

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Enrolled**

### **Senate Bill 172**

By Senators Grady, Rucker, Woodrum, Deeds,

Swope, and Jeffries

[Passed February 26, 2024; in effect 90 days from  
passage]

1 AN ACT to amend and reenact §18-5A-2 of the Code of West Virginia, 1931, as amended, relating  
2 to local school improvement councils; revising council membership requirements;  
3 requiring minutes be taken at every council meeting; revising requirements pertaining to  
4 annual council meeting regarding the school's academic performance; requiring training  
5 on the role and governance of the councils and the production of a document on parent  
6 and community leader roles in the councils; and allowing public charter schools to abide by  
7 all or some of the local school improvement council requirements.

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

**ARTICLE            5A.            LOCAL            SCHOOL            INVOLVEMENT.**

**§18-5A-2. Local school improvement councils; election and appointment of members and  
officers; meetings; required meetings with county board; assistance from state  
board.**

1 (a) A local school improvement council shall be established at every school, consisting of  
2 the following:

3 (1) The principal, who serves as an ex officio member of the council and is entitled to vote;

4 (2) Three teachers elected by the faculty senate of the school;

5 (3) Two service persons elected by the service personnel employed at the school, one of  
6 whom may be a bus operator who transports students enrolled at the school;

7 (4) Three parent(s), guardian(s) or custodian(s) of students enrolled at the school elected  
8 by the parent(s), guardian(s) or custodian(s) of students enrolled at the school in such manner as  
9 may be determined by the principal, one of which may be a representative of the parent-teacher  
10 organization. Under no circumstances may a parent member of the council be then employed at  
11 that school in any capacity;

12 (5) Three at-large members appointed by the principal, at least one of whom resides in the  
13 school's attendance area, and at least one of whom represents business or industry, neither of  
14 whom are eligible for any local school improvement council membership under any of the other

15 elected classes of members;

16 (6) In the case of vocational-technical schools, comprehensive middle schools and  
17 comprehensive high schools, the vocational director or principal, as applicable, shall appoint up to  
18 four additional members from any one or more of the following categories: Employer; employer  
19 sponsored training program; apprenticeship program; and post-secondary education; and

20 (7) In the case of a school with students in grade seven or higher, the student body  
21 president or other student in grade seven or higher elected by the student body in those grades.

22 (b) The principal shall arrange for the election of members to the local school improvement  
23 council to be held prior to September 15, of each school year to elect a council and shall give  
24 notice of the elections at least one week prior to the elections being held. To the extent practicable,  
25 all elections to select council members shall be held within the same week.

26 (c) Parent(s), guardian(s) or custodian(s), teachers and service personnel elected to the  
27 council shall serve a two-year term and elections shall be arranged in such a manner that no more  
28 than two teachers, no more than two parent(s), guardian(s) or custodian(s) and no more than one  
29 service person are elected in a given year. All other non-ex officio members shall serve one-year  
30 terms.

31 (d) Council members may only be replaced upon death, resignation, failure to appear at  
32 three consecutive meetings of the council for which notice was given, or a change in personal  
33 circumstances so that the person is no longer representative of the class of members from which  
34 appointed. In the case of a vacancy in an elected position, the chair of the council shall appoint  
35 another qualified person to serve the unexpired term of the person being replaced or, in the case of  
36 an appointed member of the council, the principal shall appoint a replacement as soon as  
37 practicable.

38 (e) As soon as practicable after the election of council members, and no later than October  
39 1, of each school year, the principal shall convene an organizational meeting of the school  
40 improvement council. The principal shall notify each member by written or electronic means at

41 least five employment days in advance of the organizational meeting. At this meeting, the principal  
42 shall provide each member with the following:

43 (1) A copy of the current applicable sections of this code;

44 (2) Any state board rule or regulation promulgated pursuant to the operation of these  
45 councils; and

46 (3) Any information as may be developed by the Department of Education on the operation  
47 and powers of local school improvement councils and their important role in improving student and  
48 school performance and progress.

49 (f) The council shall elect from its membership a chair and two members to assist the chair  
50 in setting the agenda for each council meeting. The chair shall serve a term of one year. If the  
51 chair's position becomes vacant for any reason, the principal shall call a meeting of the council to  
52 elect another qualified person to serve the unexpired term. Once elected, the chair is responsible  
53 for notifying each member of the school improvement council in writing five employment days in  
54 advance of any council meeting.

55 (g) School improvement councils shall meet at least once every nine weeks or equivalent  
56 grading period at the call of the chair or by the petition of three fourths of its members. The  
57 principal shall notify each member by written or electronic means at least five employment days in  
58 advance of the organizational meeting. The school improvement council shall ensure that minutes  
59 are taken at every meeting and made available to the public on the school's website and upon  
60 request.

61 (h) The school improvement council annually shall conduct at least one meeting to engage  
62 parents, students, school employees, business partners, trade partners, and other interested  
63 parties in a positive and interactive dialogue regarding the school's academic performance and  
64 standing as determined by measures adopted by the state board. The dialogue shall include an  
65 opportunity for the parents, students, school employees, business partners and other interested  
66 parties to make specific suggestions on how to address issues which are seen to affect the

67 school's academic performance which may include, but are not limited to, parent and community  
68 involvement, the learning environment, student engagement, attendance, supports for at-risk  
69 students, curricular offerings, resources, and the capacity for school improvement. The council  
70 shall announce any such meeting 10 employment days in advance. The school improvement  
71 council shall ensure that a report of concerns, suggestions, and points raised is produced and  
72 made available on the school's website and forwarded to both the county board and the Office of  
73 Accountability within the Department of Education or a successor office. The county board shall  
74 also post the report on its website.

75 (i) The local school improvement council of each school deemed to be low performing  
76 under the accountability system established by the state board shall meet at least annually with  
77 the county board. At any such meeting, the principal and local school improvement council chair,  
78 or another member designated by the chair, shall be prepared to address the dialogue at its  
79 meeting or meetings to give the parents, students, school employees, business partners and other  
80 interested parties an opportunity to make specific suggestions on how to address issues which are  
81 seen to affect the school's academic performance and any other matters as may be requested by  
82 the county board as specified in the meeting agenda provided to the council and may further  
83 provide any other information, comments or suggestions the local school improvement council  
84 wishes to bring to the county board's attention. Anything presented under this subsection shall be  
85 submitted to the county board in writing.

86 (j) Local school improvement councils shall be considered for the receipt of school of  
87 excellence awards and competitive grant awards and may receive and expend such grants for the  
88 purposes provided. Local school improvement councils may propose alternatives to the operation  
89 of the school in accordance with §18-5A-3 of this code and may include in the proposal a request  
90 for a waiver of rules and policies of the county board and state board, state superintendent  
91 interpretations, and state statutes if necessary to implement the proposal.

92 (k) In any and all matters which may fall within the scope of both the school improvement

93 councils and the school curriculum teams authorized in §18-5A-5 of this code, the school  
94 curriculum teams have jurisdiction.

95 (l) In order to promote innovations and improvements in the environment for teaching and  
96 learning at the school, a school improvement council shall receive cooperation from the school in  
97 implementing policies and programs it may adopt to:

98 (1) Encourage the involvement of parent(s), guardian(s) or custodian(s) in their child's  
99 educational process and in the school;

100 (2) Encourage businesses to provide time for their employees who are parent(s),  
101 guardian(s) or custodian(s) to meet with teachers concerning their child's education;

102 (3) Encourage advice and suggestions from the business community;

103 (4) Encourage school volunteer programs and mentorship programs;

104 (5) Foster utilization of the school facilities and grounds for public community activities;

105 (6) Encourage students to adopt safe and healthy lifestyles; and

106 (7) Communicate to students the common skills and attributes sought by employers in  
107 prospective employees.

108 (m) Councils may adopt their own guidelines established under this section. In addition,  
109 the councils may adopt all or any part of the guidelines proposed by other local school  
110 improvement councils, as developed under this section, which are not inconsistent with the laws of  
111 this state, the policies of the West Virginia Board of Education or the policies of the county board.

112 (n) The State Board of Education shall provide assistance to a local school improvement  
113 council upon receipt of a reasonable request for that assistance. The state board also may solicit  
114 proposals from other parties or entities to provide orientation training for local school improvement  
115 council members and may enter into contracts or agreements for that purpose. Any training for  
116 members shall meet the guidelines established by the state board.

117 (o) The state board shall ensure that training in the role and governance of local school  
118 improvement councils is provided to principals, county boards, and others the state board

119 determines appropriate, upon employment and every three years thereafter. The state board shall  
120 also ensure that a document is produced explaining to parents and community leaders their role in  
121 local school improvement councils. This document shall be made available on the West Virginia  
122 Department of Education's website and may be distributed to all parents.

123 (p) Any public charter school established pursuant to §18-5G-1 *et seq.* of this code may, at  
124 its discretion, abide by all or some of the local school improvement council requirements of this  
125 section and may modify any of the requirements it elects to follow to adapt them to be consistent  
126 with the operations of the school.