



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education TITLE-SERIES: 126-012

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: West Virginia Accountability System (2322)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 05/14/2018 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Michele Blatt, Assistant Superintendent

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Policy 2322 represents a coherent and aligned set of expectations necessary to transform schools and school systems into outcome focused, innovative, accountable learning organizations that can prepare all students for college and careers. This policy is intended to be a framework for school improvement that leaders can use as a guide for self-analysis and strategic planning in efforts to improve schools.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Policy 2322 is being repealed and replaced to include the accountability system which will annually measure school performance and to outline the States Consolidated Plan for the Elementary Secondary Education Act (1965) as amended by the Every Student Succeeds Act (2015).

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CSR12, Policy 2322.

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CSR12, Policy 2322.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2018 Increase/Decrease (use "-")	2019 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CSR12, Policy 2322.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**Policy 2322, West Virginia System of Support and Accountability
Executive Summary**

**West Virginia Department of Education
Division of Support and Accountability**

Introduction: Policy 2322, formerly West Virginia High Quality Standards for School, is being repealed and replaced to include the accountability system which will annually measure school performance, outline the State’s Consolidated Plan for the Elementary Secondary Education Act (1965) as amended by the Every Student Succeeds Act (2015), and defines the standards for High Quality Schools to guide continuous improvement at the district level.

Background: Policy 2322 represents a coherent and aligned set of expectations necessary to transform schools and school systems into outcome-focused, innovative, accountable learning organizations that can prepare all students for college and careers. This policy is a framework for continuous improvement, guided by school level data, that district and school leaders use as a guide for self-analysis and strategic planning aligned with the High Quality Standards for Schools.

Changes: Policy 2322 is being revised to add the West Virginia System of Support and Accountability (WVSSA). This system defines the annual outcome indicators that will be used to measure school performance. These indicators include:

- Academic Achievement in English Language Arts (grades 3-8 and 11);
- Academic Achievement in Mathematics (grades 3-8 and 11);
- Academic Progress in English Language Arts (grades 3-8);
- Academic Progress in Mathematics (grades 3-8);
- Four-year Cohort Graduation Rates (high schools only);
- Five-year Cohort Graduation Rates (high schools only);
- Progress for English Language Learners (grades 3-8 and 11);
- Attendance (grades K–12);
- Behavior (grades Pre-K-8);
- On-track to Graduate (grade 10); and
- College and Career Readiness (grade 12).

The revisions also include accountability inclusion criteria, school performance level descriptors and reporting requirements.

Impact: The WVSSA will provide schools and districts with performance data relative to defined school performance levels. The WVSSA scorecard will be utilized to inform state, district and school level improvement efforts.

**Policy 2322, West Virginia System of Support and Accountability
List of Stakeholders**

West Virginia Department of Education

External Stakeholders

The revisions to Policy 2322, West Virginia System of Support and Accountability, are based on the West Virginia Accountability System as it was approved by the US Department of Education in the State's Consolidated Plan for the Elementary and Secondary Education Act (1965) as amended by the Every Student Succeeds Act (2015) (ESSA Plan) on January 10, 2018. The West Virginia Department of Education conducted public forums around the state and received input from a variety of stakeholder groups in the process of preparing the ESSA Plan.

- Governor Jim Justice
- WV Legislature
- Public Forums including parents, advocates, community based organizations and educators were held in Charleston, Glen Dale, Fairmont, Huntington, Lewisburg, Martinsburg and Weston
- Teacher Organization Leaders
- Principals' Associations
- WV Association of School Administrators
- District representatives for Curriculum, Title I, Title II, Title III, IDEA, and Assessment
- Learning Policy Institute
- Council of Chief State School Officers
- Southern Regional Education Board

Internal Stakeholders

- State Superintendent's Office
 - Communications
- Division of Support and Accountability
 - Office of Data Management and Information Systems
 - Office of Federal Programs
 - Office of Leadership and Continuous Improvement
- Division of Teacher and Learning
 - Office of Assessment
 - Office of Early and Elementary Learning
 - Office of Middle and Secondary Learning
 - Office of Special Education
- Division of Technical Education and Governor's Economic Initiatives
 - Office of Technical Education

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**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 12
WEST VIRGINIA SYSTEM OF SUPPORT AND ACCOUNTABILITY (2322)**

§126-12-1. General.

1.1. Scope. -- W. Va. 126CSR12, West Virginia Board of Education (WVBE) Policy 2322, West Virginia System of Support and Accountability (Policy 2322) describes the seven common standards expected of schools to ensure a high-quality education in an engaging learning environment. The policy presents a coherent and aligned set of expectations necessary to transform schools into outcome focused, innovative, accountable learning organizations that can prepare all students to be contributing citizens for the global, digital age of the 21st century. This policy also outlines the indicators by which each school's outcomes will be measured and publicly presented for accountability purposes.

1.2. Authority. -- W. Va. Constitution, Article XII, §2; and W. Va. Code §18-2E-5.

1.3. Filing Date. -- .

1.4. Effective Date. -- July 1, 2018.

1.5. Repeal of Former Rule. -- This legislative rule repeals and replaces W. Va. 126CSR12, WVBE Policy 2322, Standards for High Quality Schools, filed on July 18, 2011, and effective on August 18, 2011.

§126-12-2. Purpose.

2.1. This policy serves as a framework for continuous school improvement that districts and schools can use as a guide for self-assessment, decision making, professional learning, and strategic planning.

2.2 This policy outlines the indicators by which each school's outcomes will be measured and reported annually through the statewide school accountability system.

§126-12-3. Standards for High-Quality Schools.

3.1. Standards.

3.1.a. Positive Climate and Cohesive Culture. In high-quality schools, the staff shares sound educational beliefs and values, establishes high expectations, and creates an engaging and orderly atmosphere to foster learning for all.

3.1.a.1. Shared Beliefs and Values. The staff works collaboratively around and utilizes a set of shared educational beliefs and values to intentionally shape the school's climate and culture.

3.1.a.2. High Expectations for All. The staff and students establish high expectations for self that are written, clearly communicated, and readily observed in educational practice and personal behavior.

3.1.a.3. Safe, Orderly, and Engaging Environment. The school environment is safe, well-managed and clean, and contributes to an engaging and inclusive atmosphere for learning.

3.1.b. School Leadership. In high-quality schools, the principal fosters and develops distributed leadership among staff, students, and stakeholders in order to focus collective action for improved school performance.

3.1.b.1. Principal Leadership. The principal exhibits the professional knowledge, skills, and dispositions that reflect strong leadership and effective management.

3.1.b.2. School Teams and Councils. The school teams and councils function effectively to advance the mission and goals of the school through leadership, planning, shared decision making, and problem-solving.

3.1.b.3. Teacher Leadership. Teachers assume responsibility for school and classroom improvement and are provided authentic opportunities and resources to lead and influence professional practice.

3.1.b.4. Student Leadership. Students are engaged in age-appropriate leadership opportunities that develop self-direction and a sense of responsibility for improving self, school, and community.

3.1.c. Standards-Focused Curriculum, Instruction, and Assessments. In high-quality schools, the staff delivers a standards-focused curriculum that enhances the unique qualities of each learner and assures that all students attain the essential knowledge, skills, and dispositions necessary in the global, digital age.

3.1.c.1. Classroom Learning Environment. Teachers create and manage an inviting classroom environment that is student-centered and fosters student reflection, intellectual inquiry, and self-direction.

3.1.c.2. Standards-Focused Curriculum. Teachers implement a standards-focused curriculum aligned with the state-approved content standards and W. Va. 126CSR44N, WVBE Policy 2520.14, West Virginia College- and Career-Readiness Standards for Technology and Computer Science.

3.1.c.3. Instructional Planning. Teachers design long and short term instructional plans for guiding student mastery of the state-approved content standards based on the needs, interests, and performance levels of their students.

3.1.c.4. Instructional Delivery. Teachers facilitate engaging instructional experiences that enhance individual student progress in mastery of the curriculum using multiple strategies, appropriate assessments, learning resources, digital tools, and processes aligned with instructional targets.

3.1.d.. Student Support Services and Family/Community Connections. In high-quality schools, the staff places student well-being at the forefront of all decisions; provides support services to address student physical, social/emotional, and academic growth; and forms positive connections to families and the community.

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3.1.d.1. Positive Relationships. Positive relationships exist between the school staff and the students, families, and the community.

3.1.d.2. Student Personal Development. The school staff attends to student physical, social/emotional, and academic well-being through coordinated student support services for health, child nutrition, character education, guidance and counseling, special education, and English learners (EL).

3.1.d.3. Parent and Community Partnerships. The school staff establishes partnerships with community agencies and organizations to enhance the ability to meet all students' needs.

3.1.e.. Teacher Growth and Development. In high-quality schools, staff members participate in processes of self-reflection, collaboration, and evaluation that lead to professional growth and development that impacts student learning.

3.1.e.1. Professional Learning. The staff engages in continuous learning opportunities for professional growth designed to improve school and classroom practice.

3.1.e.2. Teacher Collaboration. The staff participate in high functioning collaborative teams to improve student learning through the study of relevant data and problem analysis and the implementation of strategies that improve instructional practice.

3.1.e.3. Evaluation, Feedback, and Support. The staff participates in processes of evaluation that facilitate self-reflection and informs the process of professional growth.

3.1.f. Efficient and Effective Management. In high-quality schools, efficient and effective management procedures assure that facilities, fiscal resources, personnel, and data and technology systems add value to student learning and comply with law and policy.

3.1.f.1. Facilities. Facilities are safe and secure, clean, well maintained, aesthetically pleasing, and configured to meet the learning needs of students.

3.1.f.2. Fiscal Resources. Policies and processes are established and applied to obtain, allocate, and efficiently manage school fiscal resources.

3.1.f.3. Personnel. High-quality personnel are selected according to West Virginia Code and are purposefully assigned and retained to effectively meet the identified needs of students.

3.1.f.4. Data, Information Systems, Technology Tools, and Infrastructure. The school has appropriate technology infrastructure and utilizes data information systems and technology tools to support management, instructional delivery, and student learning.

3.1.g. Continuous Improvement. In high-quality schools, there is collective commitment to collaboratively identify, plan, implement, monitor, evaluate, and communicate the changes necessary to continuously increase student learning.

3.1.g.1. Focused and Coherent Plan. The staff establishes a coherent approach for improving the performance of students based on the mission and goals outlined in the strategic plan.

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3.1.g.2. Processes and Structures. The staff has well-defined structures for building professional relationships and processes necessary to collaboratively engage all stakeholders in actions to increase student learning.

3.1.g.3. Monitoring for Results. The staff monitors changes in practice and implements adjustments, evaluates the results of student learning, and communicates the progress to all stakeholders.

§126-13-4. West Virginia Accountability System (WVAS).

4.1. The WVAS is a comprehensive system of measurements that defines school-specific expectations for continuous improvement using academic achievement, academic progress, cohort graduation rates, progress toward English language proficiency (ELP), and student success (attendance, behavior, and college/career credit earning) indicators to guide and focus improvement and technical assistance.

4.1.a. Academic Achievement. The academic achievement component of the WVAS includes summative proficiency data for all students in grades 3-8 and grade 11 using performance points in a progressive manner corresponding to the four proficiency levels reported on the state general and alternate assessments in English Language Arts and Math as defined in W.Va. 126CSR14, Policy 2340, West Virginia Measure of Academic Progress.

4.1.b. Academic Progress. The academic progress component measures student progress using data that is available to inform instruction throughout the school year. Academic progress is a measure of student progress based on state benchmark assessments that are administered in grades 3-8 at the beginning and end of each school year.

4.1.c. Graduation Rates. For high schools, the graduation rate component of the WVAS is the four-year cohort graduation rate and the five-year cohort graduation rate as two separate indicators.

4.1.d. Progress on ELP. The progress on ELP indicator will be based on results of the ELP Assessment (ELPA21) for EL students in grades 3-8 and grade 11. The indicator examines the progress of EL students in reaching an annual target across each of the four ELPA21 domains of listening, reading, speaking, and writing.

4.1.e. Student Success. The student success indicators focus on attendance, behavior, and college- and career-readiness within programmatic levels:

4.1.e.1. Elementary and middle school student success indicators include:

4.1.e.1.A. Attendance. The attendance indicator measures the percent of students attending 90% of the 180 required instructional days.

4.1.e.1.B. Behavior. The behavior indicator measures the percentage of students who received zero out-of-school suspensions during the school year (excluding suspensions for Level 3 and Level 4 violations of W. Va. 126CSR99, WVBE Policy 4373, Expected Behaviors in Safe and Supportive Schools).

4.1.e.2. High school student success indicators include:

4.1.e.2.A. Attendance. The attendance indicator will measure the percent of students attending 90% of the 180 required instructional days.

4.1.e.2.B. On-Track to Graduation. The on-track to graduation indicator measures the percentage of grade 10 students on-track for completing requirements for high school graduation by earning at least 12 credits cumulatively across their respective grade 9 and grade 10 years, and earning at least two credits in each of the four primary content areas of English language arts, mathematics, science, and social studies within their grade 9 and grade 10 years.

4.1.e.2.C. College and Career Ready Indicators. College and career ready indicators measure the percentage of grade 12 students successfully completing one or more college readiness benchmarks via the Advanced Placement (AP) or International Baccalaureate (IB) program exams; completion of college-credit bearing or advanced career coursework with a grade of A, B, or C; or the four required courses in a state-approved Career Technical Education (CTE) program of study.

4.2. Inclusion Requirements. In order to ensure that the WVAS makes a fair, reliable, and valid assessment of schools, various system requirements determine which students are used in calculations for school accountability scores.

4.2.a. Full Academic Year. Students who are enrolled in a school for at least 135 days are considered to be present for a full academic year (FAY). Only FAY students are included in accountability calculations for academic achievement, academic progress, progress toward ELP, and student success indicators.

4.2.b. Minimum Cell Size. In the WVAS, if there are at least 20 FAY students in a particular subgroup enrolled in the school, their results would be accountable.

4.3. School Programmatic Levels. Elementary, middle, or high school classification is determined by the highest grade level of accountability in a school, regardless of grade configuration.

4.4. Participation Rate. Participation rates ensure that all students are well represented when making school performance determinations. Each school will be required to meet a 95% participation rate for all FAY students and for each subgroup of students on the academic achievement, academic progress, and ELP accountability indicators. In order to reinforce this participation rate requirement, WVAS calculations for these indicators will utilize a denominator that represents 95% of enrolled FAY students, or the number of enrolled FAY students assessed, whichever is greater.

4.5. School Performance Levels. Through the WVAS, schools earn performance level designations for each individual indicator measure identified in §4.1. The WVBE will establish cut scores for the school performance level designations for each indicator and will review and revise as necessary. School performance level designations will be presented in a balanced scorecard representing performance on each individual indicator. The performance levels are:

4.5.a. Exceeds Standards. Schools with distinctive student performance on a specific WVAS indicator measure.

4.5.b. Meets Standards. Schools with acceptable student performance on a specific WVAS indicator measure.

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4.5.c. Partially Meets Standards. Schools with student performance approaching the acceptable standard on a specific WVAS indicator measure.

4.5.d. Does Not Meet Standards. Schools with unacceptable student performance on a specific WVAS indicator measure.

4.6. Annual Public Reporting. WVAS scorecards shall be publicly reported.

4.6.a. State Level Reporting. The West Virginia Department of Education shall calculate school performance in each indicator listed in § 4.1 and publicly report the results through a scorecard outlining performance on each indicator. Results shall be displayed for the state, district, and school level in an online format.

4.6.b. District Level Reporting. Each district shall publicly report their district and school results in an online format.

§126-12-5. Severability.

5.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

**W. Va. 126CSR12, Policy 2322, West Virginia System of Support and Accountability
Comment Response Form**

Comment Period Ends: May 14, 2018

NOTICE: *Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.*

The following form is provided to assist those who choose to comment on **Policy 2322, West Virginia System of Support and Accountability**. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | |
|---|--|--|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Community Member |

COMMENTS/SUGGESTIONS
§126-12-1. General.
§126-12-2. Purpose.
§126-12-3. Standards for High-Quality Schools.
§126-12-4. West Virginia Accountability System.
§126-12-5. Severability.

**W. Va. 126CSR12, Policy 2322, West Virginia System of Support and Accountability
Comment Response Form**

Please direct all comments to:

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