



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

1/13/2022 11:16 AM

Office of West Virginia  
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL  
RULE**

AGENCY: Education

TITLE-SERIES: 126-012

RULE TYPE: Legislative  
Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: West Virginia System of Support and  
Accountability (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); and, W. Va. Bd. of Educ. v. Bd. of  
Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

February 14, 2022

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

Yes

Michele L Blatt -- 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.

**126CSR12**

**TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION**

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

**§126-12-1. General.**

1.1. Scope. -- This rule provides an accountability system for all West Virginia public schools and counties that presents a coherent and aligned set of expectations necessary to transform schools and counties into outcome-focused, innovative, and accountable learning organizations that prepare all students for college and career. This rule also ensures the accountability of charter public schools and will be applied in accordance with W. Va. 126CSR79, Policy 3300, Charter Public Schools, and W. Va. Code §18-5G-1-15. Additionally, this rule requires training of county board of education members (CBEM) and the development and operation of Local School Improvement Councils (LSICs) in West Virginia public schools.

1.2. Authority. -- W. Va. Constitution, Article XII, §2; and W. Va. Code §§18-2-5, 18-2E-5, 18-2-14, 18-5-1(c), 18-5-14(a), 18-5A-1-3a, 18-5A-2(i), 18-5A-3(c), 18-5A-3(d) and 18-5G et seq.

1.3. Filing Date. -- January 13, 2022.

1.4. Effective Date. -- February 14, 2022.

1.5. Repeal of Former Rule. -- This rule amends W. Va. 126CSR12, Policy 2322, West Virginia System of Support and Accountability (Policy 2322), filed February 13, 2020, and effective March 16, 2020; and repeals W. Va. 126CSR74, Policy 3235, Definition of Good Cause for Failure to Receive School Board Training, and W. Va. 126CSR191, Policy 7300, Better Schools Accountability: School, School District and Statewide School Report Cards.

**§126-12-2. Purpose.**

2.1. W. Va. Code §18-2E-5 provides requirements for a system of accountability for continuous improvement of all public schools and counties that shall build capacity and ensure the efficiency of schools and counties to meet rigorous outcomes that assure student performance and progress toward obtaining the knowledge and skills intrinsic to a high-quality education.

2.2. W. Va. Code §18-5A-2 provides the expectations for the school and county to ensure that parent, family, business, and community involvement is included in the school and county strategic improvement process.

2.3. This policy outlines the indicators of performance by which each county and school, including charter public schools, will be measured and establishes methods for collection and annually reporting data through the statewide school accountability system to inform parents/guardians, educators, stakeholders, and the public.

2.4. This policy promotes local flexibility and requires superintendents and county boards of education to monitor and be held accountable for continuous growth.

2.5. This policy sets forth the training requirements for county board of education members (CBEM).

2.6. These requirements assist in building capacity to ensure the efficiency of schools, counties, and local boards of education to meet rigorous outcomes that assure student performance and progress toward obtaining the knowledge and skills intrinsic to a high-quality education.

2.7. This policy serves as a framework for continuous school improvement that counties and all public schools can use as a guide for self-assessment, decision making, professional learning, and strategic planning in collaboration with the LSICs.

2.8. This policy facilitates and encourages the involvement of the school community in the operation of schools for improving educational quality and outlines processes to support local initiatives to improve student performance.

2.9. The LSIC shall help develop and promote the school's and county's vision for excellence by being catalysts for innovation and encouraging parent, family, business, and community involvement in the school and county strategic improvement process.

### **§126-12-3. West Virginia Standards for Effective Schools.**

3.1. West Virginia Standards for Effective Schools describe the seven common standards expected of schools to ensure high quality education in engaging learning environments. The research-based standards represent a coherent and aligned framework for continuous improvement which schools can use as a guide for self-assessment, decision making, professional development, and strategic planning.

3.1.a. Clear and Focused Mission. The school's purpose and approach to support learning for all. Key concepts are: 1) a culture of ownership for student success; 2) shared beliefs and values; and 3) commitment to a shared vision.

3.1.b. Instructional Leadership. Ensuring the effectiveness of instruction leads to student achievement. Key concepts are: 1) principal ensures implementation of high-yield instructional strategies; 2) staff lead and assume responsibility for overall academic success; and 3) students are engaged in age-appropriate leadership opportunities.

3.1.c. High Expectations for Success. Purposefully providing a climate in which all students can learn and succeed. Key concepts are: 1) staff believe in and demonstrate their ability to successfully teach all students; 2) staff believe all students can and will obtain mastery; and 3) responses and adjustments occur to assure mastery when some students do not learn, or have already mastered the concept.

3.1.d. Positive and Safe Environment. Orderly, purposeful, and accommodating of all students' needs. Key concepts are: 1) collaboration and cooperation are pervasive among staff and students; 2) appropriate behavior is expected and supported; and 3) student diversity is embraced and respected.

3.1.e. Equitable Opportunities to Learn and Effective Instruction. Sufficient time for meaningful learning is provided to all students. Key concepts are: 1) instructional time is utilized efficiently and

effectively; 2) instructional activities are rigorous and aligned to student interest and state standards; and 3) feedback is timely, ongoing, and supports individual student growth.

3.1.f. Frequent Monitoring of Student Progress. A variety of data is used as the basis for adjusting the instructional approach. Key concepts are: 1) formative assessments are utilized to measure student performance; 2) student performance is used to guide instructional decisions; and 3) teachers monitor student progress toward established instructional goals.

3.1.g. Family and Community Partnerships. Purposeful relationships exist between families, community, and the school. Key concepts are: 1) the school community fosters shared responsibility for student success; 2) community understands and supports the school's mission; and 3) partnerships exist between school and community to support academic, social-emotional, and physical needs.

#### **§126-12-4. West Virginia Accountability System (WVAS).**

##### **4.1. WVAS Indicators.**

4.1.a. 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. The WVAS, as outlined below, meets all of the accountability requirements of Public Law 89-10, Elementary and Secondary Education Act (ESEA) of 1965, as amended by Public Law 114-95, Every Student Succeeds Act (ESSA) of 2015.

4.1.a.1. Academic Achievement. The academic achievement component of the WVAS is based on summative assessment scores for all students in grades 3-8 and grade 11. Using student scores, performance points are assigned in a progressive manner corresponding to the four achievement levels reported on the West Virginia General Summative Assessment (WVGSA) and West Virginia Alternate Summative Assessment (WVASA) in English language arts (ELA) and mathematics as defined in W. Va. 126CSR14, Policy 2340, West Virginia Measures of Academic Progress.

4.1.a.2. Academic Progress Indicator. The Academic Progress Indicator for all public elementary and middle schools is based on a comparison of results on the WVGSA for student cohorts from one year to the next. The Does Not Meet Standard, Partially Meets Standard, and Meets Standard WVGSA performance levels will be subdivided into three increments. Progress is determined as the percentage of students who improve by one or more performance level increments between years, and the percentage of students demonstrating the highest level of performance (i.e., Exceeds Standard) in the previous year who remain at that level.

4.1.a.3. 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 identified as two separate indicators.

4.1.a.4. Progress on ELP. The progress on ELP indicator is based on results of the ELP Assessment (ELPA21) for English learner (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.a.5. Student Success. The student success indicators focus on attendance, behavior, and college- and career-readiness within programmatic levels.

4.1.a.5.A. Elementary and middle school student success indicators include:

4.1.a.5.A.1. Attendance. The attendance indicator measures the percentage of students attending 90 percent of the enrolled instructional days; and

4.1.a.5.A.2. 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, Policy 4373, Expected Behaviors in Safe and Supportive Schools).

4.1.a.5.B. High school student success indicators include:

4.1.a.5.B.1. Attendance. The attendance indicator measures the percentage of students attending 90 percent of the enrolled instructional days;

4.1.a.5.B.2. 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 ELA, mathematics, science, and social studies within their grade 9 and grade 10 years; and

4.1.b.5.B.3. Post-secondary Achievement. The Post-secondary Achievement indicator measures 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; earning one or more college-credits by completing dual credit coursework; or completing the four required courses in a state-approved Career Technical Education (CTE) program of study.

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

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. FAY does not apply to the four and five year graduation measures as they are determined by using the verified cohort for schools meeting minimum cell size.

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 are 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 percent participation rate

for all FAY students and for each subgroup of students on the academic achievement, academic progress, and ELP accountability indicators. To reinforce this participation rate requirement, WVAS calculations for these indicators will utilize a denominator that represents 95 percent of enrolled FAY students, or the number of enrolled FAY students assessed, whichever is greater.

4.5. School Performance Levels. Through the WVAS, all public schools earn performance level designations for each individual indicator measure identified in section 5.1. The WVBE shall establish cut scores for the school performance level designations for each indicator and shall 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.

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.

#### **§126-12-5. Support and Accountability for Counties.**

5.1. To ensure that each county provides a thorough and efficient education for its students, the WVBE shall annually review information submitted for each county from the West Virginia Department of Education (WVDE) Office of Support and Accountability. County status shall be reviewed and determined based on multiple measures of student performance and county operational efficiency.

5.1.a. School accreditation shall be reviewed annually and determined in a balanced manner that gives fair credit to multiple measures affecting students and subgroups of students in the school. The accountability of all public schools shall be measured by the academic achievement, academic progress, and success indicators reported annually on the West Virginia Balanced Scorecard with each indicator designated by a performance level.

5.2. County Support and Accountability for Student Performance. The WVDE reports county performance annually based on an aggregate of each indicator identified in the WVAS. To improve school quality, provide technical assistance, and build capacity, counties shall be identified for varying levels of support. Stages for county support and accountability are listed in Chart 1.

| <b>CHART 1</b>                                                                        |                                                   |
|---------------------------------------------------------------------------------------|---------------------------------------------------|
| <b>County Support and Accountability for Student Academic Achievement and Success</b> |                                                   |
| <b>A. On-watch Identification.</b>                                                    | One or more indicators that do not meet standard. |

| Actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
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| <ul style="list-style-type: none"> <li>County board of education members (CBEM) in collaboration with county leadership diagnoses and builds structures to facilitate countywide improvement for identified deficiencies.</li> <li>County leadership reviews strategic plan to ensure it addresses deficiencies.</li> </ul>                                                                                                                                                                                                                                                                                                                                                             |  |
| <ul style="list-style-type: none"> <li>WVDE technical assistance is available upon request.</li> <li>County monitors progress.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| <b>B. Support Identification.</b> Any indicator that does not meet standard <b>and</b> does not show improvement for two consecutive years. * **                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
| Actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
| <ul style="list-style-type: none"> <li>WVDE assists county leadership with analysis of data and creation of an action plan that identifies supports and resources needed for improvement.</li> <li>WVDE provides technical assistance.</li> <li>County and WVDE monitor progress.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                            |  |
| <b>C. Intensive Support Identification.</b> Any indicator that does not meet standard <b>and</b> does not show improvement for three consecutive years. * **                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| Actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
| <ul style="list-style-type: none"> <li>County leadership, with assistance from WVDE, adjust the action plan, based on stage two progress, to target deficiencies.</li> <li>WVDE provides technical assistance.</li> <li>County and WVDE monitor progress.</li> <li>County reports progress to WVBE quarterly.</li> <li>Annually, WVDE makes recommendations to the WVBE which may include, but is not limited to:               <ol style="list-style-type: none"> <li>Acceptable progress, county continues action plan with support from the WVDE or external partners for a specified period of time.</li> <li>Lack of progress, possible nonapproval status.</li> </ol> </li> </ul> |  |
| <p>* Counties with three or more indicators not meeting standard, with the exception of the EL indicator, and not showing improvement shall report to the WVBE the plan to address deficiencies.</p> <p>**For ELA and Math Performance Indicators, Improved is determined by the ELA and Math Progress Indicator being at partially meets or above. For all other indicators, Improved shows gains on an indicator from one year to the next.</p>                                                                                                                                                                                                                                       |  |

5.3. County Operational Effectiveness: Indicators of Efficiency. The indicators of efficiency are developed for use by the appropriate divisions within the WVDE to ensure efficient management and use of resources in counties and schools. A county's operational effectiveness shall be reported annually to the WVBE based on 11 indicators of efficiency. The county's performance under any given indicator, designated as meeting requirements or needing assistance, is the result of an evaluation of records, reports, and other documents regarding the quality of education and compliance with statutes, policies, and state-approved standards under each efficiency indicator. Indicators of efficiency are listed in Chart 2.

| CHART 2                                                    |                                                                                                                                                                                                      |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| County Operational Effectiveness: Indicators of Efficiency |                                                                                                                                                                                                      |
| Efficiency Standard                                        | Summary                                                                                                                                                                                              |
| Career and Technical Education                             | The county designs and implements programs of study on the approved curriculum list that provide a wide range of high-quality post-secondary opportunities within a Simulated Workplace environment. |

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Child Nutrition                   | The county establishes, implements, and monitors policies and regulations that define requirements and criteria for a healthy school nutrition program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Facilities                        | The county operates schools efficiently and economically, and the number and location of schools serve the student population adequately.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Federal Programs                  | The county designs and implements supplemental programs designed to improve student achievement that are consistent with federal laws and regulations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Finance                           | The county complies with various financial requirements to ensure that public and quasi-public funds are spent appropriately for allowable purposes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Personnel                         | The county ensures that its employees are licensed with the appropriate certification/licensure so that students are provided with a high-quality and highly effective educator.                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Special Education                 | The county ensures that all eligible students with exceptionalities are provided with a free appropriate public education (FAPE).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| State Required Data Collections   | The county verifies that all required data are entered into WVEIS in a timely and efficient manner and certified or verified in accordance with timelines established by the WVDE.                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Transportation                    | The county evaluates the cost containment and effectiveness of the transportation services consistent with state laws and policies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Universal Pre-K: School Readiness | The county provides high quality universal pre-k to all four-year-olds and eligible three-year-olds that is consistent with state laws and policies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| CBEM Effectiveness                | Each county shall assess its own performance annually, and no later than July 30, using a statutorily-required performance appraisal instrument, approved by the WVBE. The appraisal shall focus on collaboration with various constituency groups and general public, strategies necessary to monitor and improve student achievement on a continuing basis, and effective utilization of policy to govern. At the conclusion of the appraisal, the CBEM shall make available to the public, no later than August 15, a summary of the evaluation, including areas in which the CBEM conclude improvement is warranted. |
|                                   | CBEM shall fulfill the statutory training requirements as monitored and maintained by the WVBE County Board Member Training Standards Review Committee (TSRC) and the West Virginia School Board Association (WVSBA).                                                                                                                                                                                                                                                                                                                                                                                                    |

5.4. County Operational Effectiveness: Support and Accountability. Counties shall comply with state and federal requirements under each efficiency indicator. For counties identified as needing assistance and support, requirements are listed in Chart 3.

| CHART 3<br>County Support and Accountability for Operational Effectiveness                                                                                                                                                                                                               |  |
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| <b>Corrective Action Identification.</b> Any efficiency indicator identified as Needs Assistance in the annual county profile.                                                                                                                                                           |  |
| <ul style="list-style-type: none"> <li>County leadership, with assistance from WVDE, develops an action plan.</li> <li>County and WVDE monitor progress.</li> <li>After plan implementation, WVDE makes recommendations to the WVBE which may include, but is not limited to:</li> </ul> |  |



1. acceptable progress, county continues improvement plan with support from the WVDE or external partners for specified period of time.
2. lack of progress, possible nonapproval status.

5.5. Extraordinary Circumstances: State of Emergency (W. Va. Code §18-2E-5). The WVBE may declare a State of Emergency in a county when extraordinary circumstances exist, but do not rise to the level of immediate intervention. (See Chart 4.)

| <b>CHART 4</b><br><b>County Support and Accountability for State of Emergency</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <b>Extraordinary Circumstances include, but are not limited to:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Corrective Action</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <ul style="list-style-type: none"> <li>• misappropriation of funds or misuse of public funds;</li> <li>• falsification of reports or failure to submit required reports;</li> <li>• violation of W. Va. Code or WVBE policies that impact the provision of an appropriate educational program;</li> <li>• unhealthy or unsafe conditions for students or employees;</li> <li>• school(s') failure to provide high quality and equal educational opportunities for students, as demonstrated by persistently low academic performance;</li> <li>• deficiencies in leadership, such as demonstrating defiance of law or policy and/or willful neglect of duty; or</li> <li>• evidence is present of CBEM governance and county superintendent operational relations which may divert CBEM or county superintendent efforts to focus on accountability for student achievement or which divert the CBEM from achieving its goals as identified in its Strategic Improvement Plan or such other considerations as the WVBE may determine as identified in its Strategic</li> </ul> | <ol style="list-style-type: none"> <li>1. The WVDE provides recommendations to the WVBE within 60 days to correct deficiencies.</li> <li>2. The WVBE shall review and approve, if appropriate, the corrective action plan for the county.</li> <li>3. Once approved, the county shall have six months to implement recommendations to correct circumstances.</li> <li>4. A county's lack of progress during the six-month period can lead to one or more of the following interventions:               <ol style="list-style-type: none"> <li>a. limit the authority of the CBEM,</li> <li>b. declare the office of the county superintendent is vacant,</li> <li>c. declare the positions of personnel who serve at the will and pleasure of the county superintendent vacant,</li> <li>d. fill the declared vacancies during the period of intervention, and</li> <li>e. take any direct action necessary to correct the extraordinary circumstance.</li> </ol> </li> <li>5. A county superintendent may remove the principal of a low performing school who exhibits deficiencies in leadership.</li> </ol> |

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| Improvement Plan or such other considerations as the WVBE may determine.                     |  |
| <b>County Approval Status.</b>                                                               |  |
| The WVBE may issue nonapproval status to a county until acceptable progress is demonstrated. |  |

5.6. Extraordinary Circumstances: Immediate Intervention (W. Va. Code §18-2E-5). The WVBE may intervene immediately in the operation of a county when the determination is made that it is necessary to improve conditions. (See Chart 5.)

| <b>CHART 5</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <b>County Support and Accountability for Immediate Intervention</b>                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Conditions may include, but are not limited to:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Corrective Action</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <ul style="list-style-type: none"> <li>• a county fails to act on a statutory obligation which would interrupt the day-to-day operations of the county;</li> <li>• the conditions precedent to intervention exist and delaying the intervention would not be in the best interest of the students; and/or</li> <li>• the conditions precedent to intervention exist and the WVBE had previously intervened in the county and completed the intervention within the preceding five years.</li> </ul> | <p>WVBE shall determine the required corrective action of the county in accordance with W. Va. Code §18-2E-5. Interventions may include, but are not limited to:</p> <ol style="list-style-type: none"> <li>limit the authority of CBEM,</li> <li>declare the office of the county superintendent vacant,</li> <li>declare the positions of personnel who serve at the will and pleasure of the county superintendent vacant,</li> <li>fill the declared vacancies during the period of intervention, and</li> <li>take any direct action necessary to correct the extraordinary circumstance.</li> </ol> |
| <b>County Approval Status.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| The WVBE shall issue nonapproval status until acceptable progress is demonstrated.                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Leadership Capacity.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 1. When a county does not have the capacity to correct deficiencies, the WVBE shall:                                                                                                                                                                                                                                                                                                                                                                                                                | <ol style="list-style-type: none"> <li>work with county to develop and obtain the necessary resources in consultation with the Legislature and the Governor; or</li> <li>recommend to the appropriate body, including but not limited to, the Legislature, CBEM, schools, and community, methods for targeting resources to eliminate deficiencies.</li> </ol>                                                                                                                                                                                                                                            |
| 2. To build the governance and leadership capacity of CBEM during an intervention in the operation of its county:                                                                                                                                                                                                                                                                                                                                                                                   | <ol style="list-style-type: none"> <li>the CBEM shall establish goals and an action plan. The plan shall include: an analysis of the training and professional learning activities needed by the CBEM and county leadership; support identified training activities; and active involvement by the CBEM and county superintendent in the improvement process.</li> </ol>                                                                                                                                                                                                                                  |

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|                                                                                                                                           | b. the State Superintendent of Schools (State Superintendent) shall maintain oversight of the county on the development and implementation of the plan.                                                                                                                                                                                                                  |
| <b>Period of Intervention.</b>                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                          |
| Once per year.                                                                                                                            | a. The WVDE shall assess the readiness of the CBEM to accept return of control and sustain improvements.<br>b. The WVDE shall report any recommendations to the WVBE supported by evidence of the progress made on goals and action plans.<br>c. The WVBE may return any portion of control of the operations to the county.                                             |
| At the end of five years.                                                                                                                 | WVBE shall determine if the CBEM is ready to accept return of control and sustain improvements. If not, the WVBE: <ul style="list-style-type: none"> <li>a. shall hold a public hearing in the affected county,</li> <li>b. may continue intervention only after public hearing, and</li> <li>c. may require an additional revision of goals and action plan.</li> </ul> |
| Beyond five years.                                                                                                                        | The WVBE must hold a public hearing after each annual assessment beyond the fifth year.                                                                                                                                                                                                                                                                                  |
| <b>Termination of Intervention.</b> Following termination, support from the WVDE and WVBE shall continue as needed for up to three years. |                                                                                                                                                                                                                                                                                                                                                                          |

5.7. Special Circumstance Reviews. The WVDE shall conduct special circumstance reviews of counties and schools at the direction of the State Superintendent who will inform the WVBE of the circumstances that exist to warrant such reviews. The WVDE shall complete on-site reviews and manage processes according to the unique circumstances of each special review. Any discussion by the WVBE of counties and schools to be subject to a special circumstance review or date for which such reviews shall be conducted may be held in executive session and are not subject to the provision of W. Va. Code §6-9A-10 relating to open governmental meetings.

5.8. CBEM may request in writing to the State Superintendent and the WVBE for a special circumstance review. The request must include the specific circumstance that warrants such a review.

5.9. Process for Special Circumstance Reviews. A special on-site review is conducted by WVDE of a county or school for the purpose of making recommendations to the county and school, as appropriate, and to the WVBE on such measures as it considers necessary.

5.9.a. The on-site review may include, but is not limited to, the following:

5.9.a.1. verifying data reported by the county or school;

5.9.a.2. examining compliance with the laws and policies affecting student, school, and county performance and progress;

5.9.a.3. investigating official complaints submitted to the WVBE that allege serious impairments in the quality of education in counties or schools;

5.9.a.4. investigating official complaints submitted to the WVBE that allege a county or

school is in violation of policies or laws; or

5.9.a.5. examining county intervention, support, and capacity building at the county and school when such local actions have failed to cause acceptable increases in student performance as measured by the WVAS.

5.9.b. Notification of On-site Review.

5.9.b.1. WVDE notifies the county superintendent of schools five days prior to commencing a special review of the county and notifies both the county superintendent and the principal five school days prior to the review of an individual school.

5.9.b.2. The WVBE may direct the WVDE to conduct an unannounced on-site review of a school or county if the WVBE believes circumstances warrant an unannounced on-site review.

5.9.c. Exit Conference. At the conclusion of a special on-site review of a county or a school, the WVDE will hold an exit conference. The purpose of an exit conference is to review the initial findings of the special circumstance review, clarify and correct any inaccuracies, and promote better understanding of the findings.

5.9.c.1. County Review. WVDE shall hold an exit conference with the superintendent and CBEM president or designee.

5.9.c.2. School Review. WVDE shall hold an exit review with the county superintendent, CBEM president or designee, principal, and other school and county personnel as directed by the superintendent.

5.9.d. Reporting. The WVDE shall report any findings and recommendations to the WVBE within 45 days of the on-site review. Final reports shall be provided to the county superintendent and CBEM president following report acceptance by the WVBE. A copy of the final report shall be provided to the principal when a school was part of the special circumstance review.

**§126-12-6. County Board of Education Member (CBEM) Responsibilities and Processes.**

6.1. Beginning January 1, 2020, local board agendas and minutes shall be made public on the county webpage. Additionally, a minimum of once per month, in collaboration with county superintendents, county agendas shall include discussion addressing one or more of the following: school performance, student outcomes, or academics with local school board goals and actions to improve student achievement and well-being. If the county is identified as Support or Intensive Support under the established WVBE accountability system, the county leadership team shall present plans and progress for correcting deficits in student performance, WVBE Dispositions and Standards for Student Success, and county efficiency standards quarterly.

6.1.a. At a minimum, CBEM shall annually assess their performance using statutorily-required CBEM performance appraisal, approved by the WVBE. This appraisal shall focus on collaborating with various constituency groups and general public, strategies necessary to monitor and improve student achievement on a continuing basis, and effective utilization of policy to governance. At the conclusion of

the evaluation, the CBEM shall make available to the public a summary of the evaluation, including areas in which the CBEM concludes improvement is warranted.

6.1.a.1. The statutorily-required CBEM performance appraisal shall include review of school and county performance, student outcomes, county and school level leadership, and attainment of CBEM goals. Prior to developing CBEM goals, the CBEM shall review the county strategic plan and ensure CBEM goals support and amplify the county strategic plan goals to improve student achievement and assure student well-being. The appraisal shall serve as a preeminent prompt for specific CBEM training as deemed necessary by the WVBE. Specific training shall be designed to establish greater CBEM capacity and ensure CBEM accountability to advance student achievement. The WVBE's decision shall be based on a number of criteria including, but not limited to, recommendations of the West Virginia School Board Association (WVSBA) findings from the WVDE State System of Support, and/or specific reports the WVBE may receive as prepared by WVDE staff.

6.1.a.2. The WVBE, in consultation with the TSRC, may determine the CBEM shall receive concentrated training to develop the CBEM's corporate capacity to address issues identified through review of the Balanced Scorecard and the Efficiency Standards. Additionally, the WVBE may address CBEM identified needs for specific services or resources which the CBEM lacks. Directed efforts will align CBEM goals with WVBE goals and actions, including development of effective CBEM/county superintendent leadership which promotes accepted norms or roles for the CBEM and county superintendent.

6.1.a.3. If the WVBE requires a CBEM to receive concentrated training, such training shall be provided by the WVSBA in consultation with agencies or entities the WVSBA may determine. The WVBE shall be apprised of progress made in terms of the training or in terms of establishing the CBEM's capacity to address issues identified which prompted the WVBE to require the CBEM to receive additional training.

6.1.b. CBEM shall meet at least annually with the LSIC of each school deemed to be low performing under the accountability system established by the WVBE. W. Va. Code §18-5-14 provides that at least 30 days before an annual meeting with each LSIC, the CBEM shall develop and submit to the council an agenda for the annual meeting which requires the council chair or a member designated by the chair, to include data analysis, student achievement, and plans to address deficient items designated by the CBEM, which include school performance and one or more of the following issues:

6.1.b.1. Curriculum to provide West Virginia Content Standards and Objectives.

6.1.b.2. Status of the school in meeting the school's strategic plan established pursuant to W. Va. Code §18-2E-5; and

6.1.b.3. Status of the school in meeting the relevant parts of the county's strategic plan established pursuant to W. Va. Code §18-2E-5.

6.2.b.4. The LSIC may also provide other information, comments, or suggestions the council wishes to bring to the CBEM's attention. All information presented during the meeting shall also be submitted to the CBEM in writing.

6.3. CBEM shall report details of their meetings with LSICs to the WVBE at the conclusion of the school year, but no later than the first day of September each year as per W. Va. Code §18-5-14(D)(2).

6.4. CBEM shall adopt and implement a policy that provides for parent, family, business, and community involvement in the schools.

6.4.a. Each county policy shall promote the involvement of parents, families, community, and business members in children's education.

6.4.b. Each county policy shall meet the criteria for compliance with federal programs.

6.4.c. Each county policy shall be developed by a committee consisting of, but not limited to, classroom teachers, parents/family members of school-age children, community members, business members, principals, and other school personnel. The committee shall be representative of a variety of schools and shall include representation from early, middle, and adolescent levels.

6.4.d. Each county shall provide training for teachers, parents, and administrators, in cooperation with the WVBE/WVDE, to realize the objectives set forth in the county policy.

6.5. CBEM shall receive seven clock hours of training in areas relating to boardsmanship, governance effectiveness, and school performance issues as outlined in W. Va. Code §18-5-1a. W. Va. Code §18-5-1a requires the WVBE to define good cause for an individual who fails to meet the training requirements of a school board member. Failure to attend and complete the approved course of orientation and training relating to boardsmanship and governance effectiveness without good cause constitutes neglect of duty under W. Va. Code §6-6-7.

6.5.a. The following establish good cause that may prevent a member from attending and completing WVBE approved training to meet requirements of W. Va. Code §18 5 1a:

6.5.a.1. an incapacitating physical or mental condition of the member; or

6.5.a.2. a death in the immediate family of the member; or

6.5.a.2.A. For purposes of the policy, the phrase "immediate family" means the member's spouse, children, parents, or any other relative who resides in the member's household and is a dependent of the member.

6.5.a.3. an accident or illness in the immediate family of the member which requires the member's presence; or

6.5.a.4. any other cause which is beyond the control of the member.

**§126-12-7. County Board of Education Staff (CBES) Responsibilities and Processes.**

7.1. CBES shall develop and implement an Electronic County Strategic Improvement Plan, referred to as the County Strategic Plan, which contains improvement procedures and activities to strengthen the county education program in order to increase student achievement and positively impact other student outcomes. The County Strategic Plan addresses the following areas: 1) core beliefs and mission, 2) improvement goals, 3) a plan that includes performance measures, strategies, action steps and professional learning, 4) a system for monitoring and supporting the implementation and effectiveness of activities, 5) an evaluation process, and 6) West Virginia Support for Improving Professional Practice

(WVSIPP). The County Strategic Plan shall be for a period of no more than five years and shall include the mission and goals of the school or the county to improve student, school, or county performance and progress.

7.1.a. The County Strategic Plan shall be prepared through a collaborative process by the County Leadership Team; be facilitated by the superintendent or appointed designees; and be based on a comprehensive needs assessment, which includes relevant county-wide data. The plan shall incorporate information from School Strategic Plans and various stakeholders.

7.1.b. The County Strategic Plan shall be completed by July 1 of each year as part of annual revision, for the upcoming academic year, shall be monitored and adjusted throughout the academic year as needed, and shall be revised annually as indicated by changes in student performance data and other information such as monitoring reports, accreditation results, or changes in school conditions.

7.1.c. County Leadership Team. Each county shall have a County Leadership Team which is responsible for supporting the continuous improvement of all schools and for identifying targeted support and assistance to the schools falling below acceptable performance. The County Leadership Team members are appointed by the county superintendent, comprised of school and county staff who have the expertise to examine county-wide practices, analyze student performance data, and determine effective improvement strategies. The team may include such individuals as distinguished teachers, distinguished principals, special education professionals, Title I professionals, WVDE professional, curriculum and instruction professionals, technology integration specialists, and/or data analysis professionals. The County Leadership Team shall have the following responsibilities:

7.1.c.1. utilize county-wide student performance data to determine trends and priorities for improvement. This data may include local, state, and national summative and formative achievement data including attendance data, early warning indicators, graduation rates, discipline trends, and College- and Career-Readiness Progress measures;

7.1.c.1.A. To gauge student involvement in their school community, counties and all public schools are encouraged to collect data related to student participation in extra- and co-curricular activities, community service, capstone experiences, internships, and other opportunities.

7.1.c.2. make recommendations for county-wide improvement priorities and school-specific support, including assistance for schools falling below acceptable standards of performance as identified in needs assessment and strategic planning at the school level; and assurance that all school leaders' annual evaluation goals are directly aligned to the strategic plan goals and weaknesses of schools' West Virginia Balanced Scorecards. The superintendent or designee shall meet with the principal at least every 60 days to review data and monitor progress toward the established goals;

7.1.c.3. collaborate with parents, community stakeholders, school staff, CBES, and School Leadership Teams, in the formulation of the strategic plan, plan implementation, and continuous plan monitoring to address county-wide identified improvement needs and student learning needs;

7.1.c.3.A. The school leadership team may include the same membership as the team preparing the strategic plan as appointed by the principal, and may include representatives from other instructional teams, the faculty senate, and/or the LSIC.

7.1.c.4. utilize the West Virginia Standards for Effective Schools as a guide for self-assessment, decision-making, professional development, and strategic planning through conducting root cause analysis and needs assessment;

7.1.c.5. review agency monitoring reports relevant to improvement priorities such as diagnostic review reports, audits, Title I monitoring results, special education monitoring results, technology integration issues, and any other reports the County Leadership Team finds helpful to inform deliberation and decision-making; and

7.1.c.6. make additional recommendations concerning assistance needed by the individual county.

#### **§126-12-8. School Responsibilities and Processes.**

8.1. Every school must develop and implement an Electronic School Strategic Improvement Plan, called the School Strategic Plan (W. Va. Code §18-2E-5). The School Strategic Plan outlines strategies and processes the school shall implement to improve student performance and address student needs. The School Strategic Plan adheres to the following criteria:

8.1.a. is developed through a collaborative process by a school leadership team, facilitated by the principal, a comprehensive needs assessment, which includes relevant school-wide data shall be created. The school leadership team includes members who have the expertise to examine school-wide and classroom practices, analyze student performance data, and determine effective improvement strategies. The school leadership team incorporates information from various stakeholders and other school committees, including the LSIC, and teams; and

8.1.b. includes a comprehensive needs assessment identifying: 1) core beliefs and mission; 2) improvement goals; 3) a work plan that includes performance measures, strategies, action steps and professional learning; 4) a system for monitoring and supporting the implementation and effectiveness of activities, which includes generating educator professional evaluation goals that are directly aligned to the strategic plan goals and with weaknesses on the school's West Virginia Balanced Scorecard.

8.1.b.1. The principal shall meet with existing teams on an ongoing basis to review school-wide data and monitor progress toward the established goals. A school evaluation process completed prior to the closing of the preceding academic year should be monitored and adjusted throughout the school year as needed and be revised annually as indicated by changes in student performance and school quality data.

8.2. School Improvement Processes. The school leadership team utilizes the following processes to develop the school's strategic plan:

8.2.a. analyzes student performance and school quality data to determine trends and priorities. This data may include local, state, and national summative and formative achievement data including attendance data, student grades, early warning indicators, graduation rates, discipline trends, and College- and Career-Readiness Progress measures;

8.2.b. utilizes the West Virginia Standards for Effective Schools as a guide for self-assessment, decision-making, professional development, and strategic planning;



8.2.c. reviews monitoring reports relevant to school improvement priorities such as diagnostic review, audits, Title I monitoring results, special education monitoring results, and any other reports the School Leadership Team finds helpful to inform deliberation and decision-making;

8.2.d. collaborates with parents, LSIC, community stakeholders, school staff, county staff and the County Leadership Team;

8.2.e. makes additional recommendations to the County Leadership Team concerning additional assistance needed for the school; and

8.2.f. request and receive technical assistance from the county based on the measures set forth in this policy.

**§126-12-9. Faculty Senate Responsibilities and Processes.**

9.1. The faculty senate utilizes the following processes to support continuous improvement.

9.1.a. The faculty senate shall provide input and approve the school strategic plan.

9.1.b. The faculty senate shall build school-wide input, involvement, and commitment to the school's improvement priorities.

9.1.c. The faculty senate shall also communicate the school leadership teams' priorities, receive input, and build collective faculty support.

9.1.d. School improvement is a standing agenda item to discuss progress, concerns, and adjustments to the school plan.

9.1.e. The faculty senate president serves as an official member of the school leadership team.

9.1.f. Each faculty senate shall elect three faculty representatives to the LSIC.

9.1.g. Each faculty senate may nominate a member for election to the county staff development council.

9.1.h. Faculty senate may meet for an unlimited block of time during noninstructional days to discuss and plan strategies to improve student instruction.

9.1.i. A faculty senate meeting scheduled on a noninstructional day shall be considered as part of the purpose for which the noninstructional day is scheduled. This noninstructional time may be used and determined at the local school level and includes, but is not limited to, faculty senate meetings.

**§126-12-10. LSIC Responsibilities and Processes.**

10.1. LSICs are designed to represent the voice of the community's education stakeholders.

10.2. W. Va. Code §18-5A-2 defines the members of LSICs as follows:

10.2.a. the principal, who serves as an ex officio member and is entitled to vote;

10.2.b. three teachers elected by the faculty senate of the school; one must of whom represent the social-emotional needs of students.

10.2.c. two service persons elected by the service personnel employed at the school, one of whom shall be a bus operator who transports students enrolled at the school.

10.2.d. three parents, guardians, or custodians of students enrolled at the school elected by the parents, guardians, or custodian members of the school's parent teacher organization. If there is no parent teacher organization, the parent, guardian, or custodian members shall be elected by the parents, guardians, or custodians of students enrolled at the school in such a manner as may be determined by the principal; under no circumstances may a parent member of the council be employed at that school in any capacity.

10.2.e. three at-large members appointed by the principal, at least one of whom resides in the school's attendance area and at least one of whom represents business or industry, neither of whom is eligible for membership under any of the elected classes of members.

10.2.f. in the case of vocational-technical schools, comprehensive middle schools, and comprehensive high schools, the vocational director or principal, as applicable, shall appoint up to four additional members from any one or more of the following categories: employer, employer-sponsored training program, apprenticeship program, and post-secondary education; and

10.2.g. in the case of a school with students in grade seven or higher, the student body president or other student in grade seven or higher elected by the student body in those grades.

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

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

10.5. Nothing prohibits expanding the membership of LSICs to include non-voting members or to request other stakeholders to participate in meetings of the LSIC. Although assistant principals may attend LSIC meetings, they may not serve as a voting member or chair of the LSIC.

10.6. School principals have specific responsibilities regarding the organization and operation of the LSIC.

10.6.a. The school principal shall arrange for the election of members to the LSIC to be held prior to September 15 of each school year and shall give notice of the elections at least one week prior to the

elections being held. To the extent practicable, all elections to select council members shall be held within the same week.

10.6.b. As soon as practicable after the election of council members, and no later than October 1 of each school year, the principal shall convene an organizational meeting of the LSIC, as per W. Va. Code §18-5A-2. The principal shall notify each member by written or electronic means at least five employment days in advance of the organizational meeting. At this the first meeting, the LSIC elects from its membership a chair and two members to assist the chair in setting the agenda for each LSIC meeting. The chair shall serve a term of one year. If the chair's position becomes vacant for any reason, the principal shall call a meeting of the council to elect another qualified person to serve the unexpired term. Once elected, the chair is responsible for notifying each member of the LSIC in writing five employment days in advance of any council meeting. The principal of the school shall not serve as the LSIC chair. At this meeting, the principal shall provide each member with the following:

10.6.b.1. a copy of the current applicable sections of W. Va. Code §18-5A-2.

10.6.b.2. any WVBE rule or regulation promulgated pursuant to the operation of these councils; and

10.6.b.3. any information as may be developed by the WVDE on the operation and powers of LSICs and their important role in improving student and school performance and progress.

#### 10.7. General Operational Procedures of the LSIC.

10.7.a. The LSIC must meet at least once every nine weeks or equivalent grading period at the call of the chair or by petition of three-fourths of its members. The county superintendent shall monitor principals to ensure all LSIC meetings occur as outlined in this policy.

10.7.b. The LSIC annually shall conduct at least one meeting to engage parents, students, employees, business partners, and other interested parties in a positive and interactive dialogue regarding the school's academic performance and standing as determined by measures adopted by the WVBE. The dialogue shall include an opportunity for attendees to make specific suggestions on how to address issues which are seen to affect the school's academic performance which may include, but are not limited to: parent and community involvement, the learning environment, student engagement, attendance, supports for at-risk students, curricular offerings, resources, and the capacity for school improvement. The council shall announce any such meeting ten employment days in advance.

10.7.c. All meetings of the LSIC must be open and announced to the public in compliance with the provisions of the Open Governmental Proceedings Act (W. Va. Code §6-9A-2(6)).

10.7.d. Each LSIC shall adopt a set of bylaws or meeting procedures. The WVDE provides resources and technical assistance for conducting effective LSIC meetings.

10.7.e. Each LSIC is vested with specific statutory and policy responsibilities and authorities that convey an expectation for high ethical behavior.

#### 10.8. LSIC proposals of alternatives to the operation of the school.

10.8.a. Innovative initiatives that meet a school's needs and circumstances may be proposed by the school working through the LSIC.

10.8.b. A school-level initiative may propose alternatives to the operation of the school that will enable the school to better meet or exceed the high quality standards established by the WVBE, increase administrative efficiency, enhance the delivery of instructional programs, promote student engagement in the learning process, promote business partnerships, promote parent and community involvement at the school, or improve the educational performance of the school generally.

10.9. LSIC Processes for requesting waivers of rules, policies, interpretations, and statutes to implement alternatives.

10.9.a. A LSIC may submit to its CBEM proposed alternatives to the operation of the public school. If the CBEM approves the proposal, it may designate the school as an innovation school and may provide funding to support implementation of the proposal, if necessary.

10.9.b. An alternative proposed by a LSIC shall set forth:

10.9.b.1. the objective(s) to be accomplished under the proposal;

10.9.b.2. how the accomplishment of such objective(s) shall meet or exceed the standards established by the WVBE;

10.9.b.3. the indicators upon which the meeting of such standards should be judged;

10.9.b.4. a projection of any funds to be saved by the proposal and how such funds shall be reallocated within the school, or any costs associated with the proposal and proposed funding sources; and

10.9.b.5. any policies or rules promulgated by the WVBE or CBEM, any State Superintendent interpretations, and any state statutes for which a waiver shall be required for the proposed alternative to be implemented.

10.9.c. For an alternative to be proposed, at least two-thirds of the members of the LSIC must vote in favor of the proposal. If the alternative to be proposed includes the request for a waiver of policies or rules promulgated by the WVBE or CBEM, State Superintendent interpretations, or state statutes affecting employees, then prior to the proposal of the alternative, a majority of the affected employee group must agree.

10.9.d. A LSIC shall submit its proposed alternative to the CBEM. The CBEM shall acknowledge receipt of the proposal and promptly review the proposed alternative. The CBEM may request additional information and clarifications from the LSIC regarding the proposed alternative. The CBEM shall approve or disapprove the proposal and return it to the council with a statement of the reasons for the action taken, subject to the following:

10.9.d.1. if an alternative proposed by the LSIC requires the waiver of any policies or rules promulgated by the CBEM, approval of the proposal by the CBEM constitutes a grant of the waiver;

10.9.d.2. if an alternative proposed by the LSIC requires the waiver of any policies or rules promulgated by the WVBE and the CBEM approves the proposal except that a waiver by the WVBE is required, the CBEM shall forward the approved proposal to the WVBE for final determination. The WVBE shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the CBEM or its agents and, in its discretion, approve implementation of the alternative or reply to the CBEM and LSIC within a reasonable time as to its reasons for not approving the proposed alternative. Approval of the proposal by the WVBE constitutes a grant of the waiver;

10.9.d.3. if an alternative proposed by the LSIC requires the waiver of a State Superintendent's interpretation and the CBEM approves the proposal except that a waiver by the State Superintendent is required, the CBEM shall forward the approved proposal to the State Superintendent for final determination. The State Superintendent shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the CBEM or its agents and, in their discretion, approve implementation of the alternative or reply to the CBEM and LSIC within a reasonable time as to its reasons for not approving the proposed alternative. Approval of the proposal by the State Superintendent constitutes a grant of the waiver;

10.9.d.4. if an alternative proposed by the LSIC requires the waiver of a state statute and the CBEM approves the proposal except that a waiver of the statute is required, the CBEM shall forward the approved proposal to the Legislative Oversight Commission on Education Accountability (LOCEA). LOCEA shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the CBEM or its agents and determine whether a recommendation should be made for an Act of the Legislature to waive the statute to permit implementation of the proposed alternative;

10.9.d.5. if an alternative that requires a waiver is proposed by more than one LSIC in the county and the CBEM approves, the CBEM may forward a consolidated proposal requesting the waiver to the appropriate bodies as provided in this subsection; and

10.9.d.6. when an alternative to the operation of a school is approved, the CBEM shall establish a process for evaluation of the operation of the alternative. Approval for the operation of the alternative may be continued or revoked at any time by the CBEM based on the results and findings of the evaluation.

10.9.e. Notwithstanding any other provisions of the law to the contrary, a LSIC is not prohibited from permitting off-site classrooms to be developed in conjunction with local businesses if those sites meet the requirements established by the CBEM for sites that are located off-campus.

10.9.f. The WVBE shall submit a report to the Legislative Oversight Commission on Education Accountability and the Governor on September 1 of each year summarizing the proposed alternatives received, approved, or rejected, continued or revoked during the preceding school year, and the results and findings of the evaluations. The report shall specifically identify all policy, rule, and interpretation waiver requests including those requests made to CBEM by LSICs received during the preceding year and the disposition of each.

#### **§126-12-11. County and School Recognition.**

11.1. The West Virginia Distinguished Schools Recognition Program. The West Virginia Distinguished Schools Program annually recognizes all public elementary, middle, and high schools for student academic

and school quality performance and growth. Eligible schools and counties are selected in the following categories:

11.1.a. Category 1: Student Performance and Growth. Schools and counties shall be recognized for exceeding state-approved content standards in academic achievement, academic progress, and student success indicators identified on the West Virginia Schools Balanced Scorecard.

11.1.b. Category 2: Equity Across Student Groups. Schools and counties shall be recognized for closing the achievement gap between the student subgroups in the areas of academic achievement and growth and student success indicators using the West Virginia Schools Balanced Scorecard.

11.1.c. Category 3: Pre-K-2 Schools. Pre-K-2 schools shall be recognized for exceeding standard in attendance based on their current enrollment. Pre-K-2 schools shall also be recognized for exceeding state-approved content standards in academic achievement and academic progress based on third grade performance in the recipient school.

11.2. Other School Recognition Programs.

11.2.a. National Blue Ribbon Schools. The U.S. Department of Education (ED) National Blue Ribbon Schools Program recognizes public and private elementary, middle, and high schools based on their overall academic excellence or progress in closing achievement gaps among student subgroups. Every year the ED seeks out and celebrates great American schools, schools demonstrating that all students can achieve to high levels.

11.2.b. Title I Distinguished Schools. The National Title I Distinguished Schools Program recognizes superior Title I schools which demonstrate a wide array of strengths, including team approaches to teaching and learning, focused professional development opportunities for staff, individualized programs for student success, and strong partnerships between the school, parents, and the community. Schools are selected by the state and must qualify under one of the following categories:

11.2.b.1. Category 1: Exceptional student performance for two or more consecutive years;

11.2.b.2. Category 2: Closing the achievement gap between student groups; or

11.2.b.3. Category 3: Excellence in serving special populations of students (e.g., homeless, foster care, migrant, EL, etc.).

11.2.c. West Virginia Sustainable School. The West Virginia Sustainable School (WVSS) award program recognizes all public schools that exemplify a commitment to sustainable practices in the facilities and integrate those practices into the curriculum and community. The program recognizes schools where staff, students, officials, and communities work together to produce energy efficient, sustainable, and healthy school environments ensuring environmental literacy of graduates. Schools which receive the WVSS award may be nominated for consideration as an ED Green Ribbon School.

11.2.c.1. National Green Ribbon Schools. The ED Green Ribbon School program recognizes schools that save energy, reduce costs, feature environmentally sustainable learning spaces, protect health, foster wellness, and offer sustainability education to boost academic achievement and community engagement.

**§126-12-12. Annual Reporting.**

12.1. State-level Reporting. The WVDE shall calculate and report displaying results for the state, county, and school level in an online format.

12.1.a. Each indicator listed in WVAS shall be reported through the West Virginia Schools Balanced Scorecard outlining performance of each indicator.

12.1.b. The WVDE shall provide an annual report on Education Accountability to the county, the WVBE, the Governor, and the LOCEA.

12.1.c. The WVDE shall provide reporting on the statewide school report card requirements outlined in W. Va. Code §18-2E-4, including:

12.1.c.1. student performance by grade level in the various subjects measured pursuant to the uniform statewide assessment program adopted by the state board;

12.1.c.2. school attendance rates;

12.1.c.3. percent of students not promoted to the next grade;

12.1.c.4. graduation rates;

12.1.c.5. enrollment;

12.1.c.6. average class size;

12.1.c.7. pupil-teacher ratio;

12.1.c.8. pupil-administrator ratio;

12.1.c.9. operating expenditure per pupil;

12.1.c.10. county expenditure by fund in graphic display; and

12.1.c.11. average degree classification and years of experience of the administrators and teachers at each school.

12.2. County-level Reporting. Each county shall publicly report annually in an online format:

12.2.a. county and school results of the West Virginia Schools Balanced Scorecard through electronic link to the WVDE reporting website;

12.2.b. county and school results of the statewide school report card requirements outlined in W. Va. Code §18-2E-4 through electronic link to the WVDE reporting website;

12.2.c. names of the members of the county board and the dates upon which their terms expire;

12.2.d. names of the county school superintendent and every assistant and associate superintendent and their area of school administration;

12.2.e. names of the members of each school's LSIC; and

12.2.f. name or names of the business partner or partners of the school.

**§126-12-13. Severability.**

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