

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

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Nov 14 12:37 PM '00

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative CITE AUTHORITY: W. Va. Constitution, Article XII, §2, W.Va.

Code §18-2-5; 18-2-7a; and 182E-5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 13

TITLE OF RULE BEING AMENDED: A Process for Improving Education Performance Based
Accreditation System (2320)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON January 11, 2001 AT 4:45 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:


Dr. Donna Davis, Deputy Director

Office of Education Performance Audits

550 Eagan Street, Suite 204

Charleston, West Virginia 25301

THE ISSUES TO BE HEARD WILL BE LIMITED TO THIS PROPOSED RULE.



David Stewart
State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

19.80

**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

POLICY NUMBER AND TITLE: Policy 2320

A Process for Improving Education-Performance Based Accreditation System

PUBLIC COMMENT PERIOD ENDS: January 11, 2001 **ADOPTED:** _____

BACKGROUND

House Bill 4674, passed during the 2000 regular session of the West Virginia Legislature, amended W.Va. Code §18-2E-5, Process for Improving Education; Office of Education Performance Audits; education standards; school accreditation and school system approval; and intervention to correct impairments. The legislation calls for indicators of efficiency, creating an exemplary school status, immediate State Board intervention in the operation of a county school system, and a performance measure for percentage of students enrolled in advanced placement or honors classes.

An Agreed Order in Tomblin v. Gainer signed September 12, 2000 decrees specific areas as a part of the accreditation and evaluation process. These include the identification of resource needs and a value added approach with a minimum of six criteria for evaluating testing data.

PURPOSE

The purpose for revising Policy 2320, Process for Improving Education-Performance Based Accreditation System, is to incorporate the requirements of House Bill 4674 and to implement the Tomblin v. Gainer Agreed Order.

PROPOSED PROVISIONS

The proposed revisions are listed in the order presented in the policy. Language to be deleted is shown by strike-throughs and new language is underlined.

- | | |
|---|--|
| <p>§126-13-4</p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p><u>4.4</u></p> <p><u>4.5</u></p> <p><u>4.6</u></p> <p><u>4.13-4.14</u></p> <p>4.14</p> <p>4.15</p> | <p>Time line for value-added achievement standards, definition of value added, and criteria.</p> <p>Criteria for value-added achievement standard.</p> <p>Attendance Rate.</p> <p>Dropout Rate.</p> <p>A performance measure on writing assessment.</p> <p>Graduation rate revised to be consistent with dropout rate.</p> <p>Language deleted to provide clarity.</p> <p>Basic and advance warranty requirements consistent with statute.</p> <p>Presidential Physical Fitness Test moved to 5.11.6.</p> <p>Percentage of students enrolled in advanced placement and/or honors classes</p> |
|---|--|

- required by House Bill 4674.
- 5.1.1-7.3.3 Subtitles included for each standard per Tomblin v. Gainer Agreed Order.
- 5.1.2 Combined 5.1.2 and 5.1.6.
- 5.1.3 Combined 5.1.3 and 5.10.4.
- ~~5.1.6~~ Combined 5.1.2. and 5.1.6
- 5.1.8 Restructured to appear with curriculum standards.
Previously 5.10.3.
- 5.1.9 Instruction in writing revised according to Tomblin v. Gainer Agreed Order.
- 5.1.13 Combined the similar concepts contained within 5.1.13 and 5.10.5.
- 5.1.14 Programs of study include those specified by Tomblin v. Gainer Agreed Order.
- ~~5.1.15~~ Honors and advanced programs now a performance measure 4.16 as required by House Bill 4674.
- 5.1.15 Enrichment and acceleration previously contained in 5.10.5.
- 5.2.1 Casual deficit standard required by House Bill 4306.
- ~~5.2.2~~ and 5.2.2 Combined county and school level distribution of resources based on Unified Improvement Plan.
- ~~5.2.3~~ and ~~5.2.4~~ Combined county and school accounting practices.
- 5.5.1 Rewritten per Tomblin v. Gainer Agreed Order.
- ~~5.5.1~~ and ~~5.5.2~~ Facilities per Tomblin v. Gainer Agreed Order.
- ~~5.6.2~~ Combined with 5.6.10 per Tomblin v. Gainer Agreed Order.
- ~~5.6.7~~ School and county report cards disseminated. No counties or schools cited; therefore, not necessary.
- 5.6.7 Rewritten to require coordination with business vocational needs per Tomblin v. Gainer Agreed Order.
- ~~5.6.10~~ County steering committee per Tomblin v. Gainer Agreed Order.
- 5.6.10 Local school improvement council standards combined 5.6.2 and 5.6.13 per Tomblin v. Gainer Agreed Order.
- ~~5.6.13~~ and ~~5.6.17~~ Duty free lunch periods for teachers and service personnel combined.
- ~~5.6.18~~ Test security measures combined with 5.6.14.
- 5.6.14 Statewide assessment revised according to current policies.
- ~~5.6.20~~ Criteria not requiring routine evaluation per Tomblin v. Gainer Agreed Order.
- ~~5.6.21~~ Electronic portfolio removed by House Bill 4306. Certificate of proficiency, combined with 5.6.16.
- ~~5.6.25~~ RESA participation rewritten per House Bill 4674 now 6.1.6.
- ~~5.7.1~~; ~~5.7.2~~; and
~~5.7.3~~ Training county board members combined per Tomblin v. Gainer Agreed Order.
- 5.8.1 Personnel included as resource evaluation per Tomblin v. Gainer Agreed Order.
- ~~5.8.2~~; ~~5.8.3~~; and
~~5.8.5~~ Educator licensure combined per Tomblin v. Gainer Agreed Order.
- 5.9.1 and ~~5.9.8~~ Personnel evaluation combined per Tomblin v. Gainer Agreed Order.
- ~~5.9.1~~; ~~5.9.4~~; and
~~5.9.5~~ Staff development combined per Tomblin v. Gainer Agreed Order.
- 5.9.1 and ~~5.9.8~~ Personnel evaluation combined per Tomblin v. Gainer Agreed Order.
- ~~5.10.3~~; ~~5.10.4~~ and

- ~~5.10.5~~ Combined with previous standards per Tomblin v. Gainer Agreed Order.
- ~~5.10.6~~ Lesson plans combined per Tomblin v. Gainer Agreed Order.
- ~~5.10.11~~ & 5.10.8 Data analysis combined per Tomblin v. Gainer Agreed Order.
- ~~5.10.13~~ Criteria not requiring routine evaluation per Tomblin v. Gainer and the referral for multi-disciplinary per Tomblin v. Gainer contained in 5.10.10 - Student Assistance Team
- 5.10.12 ACT and SAT (college entrance examinations) results assessed to improve performance.
- 5.11.5 and 5.11.6 Combined standards regarding policies per Tomblin v. Gainer Agreed Order.
- 5.11.6 Presidential Physical Fitness Test from ~~4.14~~.
- 5.12; 5.12.1-5.12.5 Standards on leadership added in accordance with Policy 5500.03.
- §126-13-6 through 6.1.6 Indicators of efficiency per House Bill 4674.
- 7.1 Unified County Improvement Plan due September 1.
- 7.2 Unified School Improvement Plan due June 15.
- 8.1-8.2 School exemplary accreditation status per House Bill 4674.
- 8.3 and 8.4 Conditional accreditation status reorganized for sequence.
- §126-13-9 through 9.4 Criteria for exemplary accreditation status.
- 10.1 Criteria for seriously impaired status.
- 11.1 - 11.3 and ~~9.4~~ County school system conditional approval status alignment.
- 12.6.4 Immediate State Board intervention in county school system per House Bill 4674.
- 13.3 Education performance audit teams per Tomblin v. Gainer Agreed Order.
- 13.9 On-site review process per House Bill 4306.
- 14.2 and 14.3.2 Resource evaluation per Tomblin v. Gainer Agreed Order. and of ineffectiveness per Tomblin v. Gainer Agreed Order.

GENERAL REVISIONS:

General revisions throughout the policy reflect changes in West Virginia Board of Education policies, changes in West Virginia Code, Tomblin v. Gainer Agreed Order, or language clarification.

IMPACT:

The impact of the proposed revisions of this policy is to assess whether or not counties and schools are using resources efficiently to provide a thorough and efficient system of education. The proposed revisions also provide for resource evaluation to determine if school systems and schools have the adequate resources to deliver students a quality education. The value-added student achievement approach will enable low performing schools to be judged on the degree to which their students demonstrate expected growth and high performing schools will be challenged to improve the performance of their students.

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Nov 14 12 30 PM '00

OFFICE OF THE ATTORNEY GENERAL
SECRETARY OF STATE

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES (13)
A PROCESS FOR IMPROVING EDUCATION
PERFORMANCE BASED ACCREDITATION SYSTEM (2320)**

§126-13-1. General.

1.1. Scope. -- This rule establishes a system of education performance audits which measures the quality of education and the preparation of students based on the standards and measures of student, school, and school system performance and processes. The system of performance audits shall assist the State Board in ensuring that the high quality educational standards and annual performance measures are met by schools and school systems and that a thorough and efficient system of schools is provided. Part of this rule implements the agreed order in Tomblin v. Gainer, August 1, 2000 and amended September 12, 2000.

1.2. Authority. -- W.Va. Constitution, Article XII, §2; W.Va. Code §§18-2-5; 18-2-7a; and 18-2E-5.

1.3. Filing Date. -- ~~October 9, 1998~~

1.4. Effective Date. -- ~~November 9, 1998~~

1.4.1. Unless specified otherwise within the policy.

~~1.5. Repeal of former rule. Revises Policy 2320; last revised December 12, 1996.~~

§126-13-2. Purpose.

2.1. The West Virginia Board of Education establishes a process for improving education that includes standards, assessment, accountability, and capacity building to provide assurances that a thorough and efficient system of schools is being provided for all West Virginia public school students on an equal education opportunity basis and that

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the high quality standards are, at a minimum, being met. This requires the provision of an adequate level of appropriately managed resources.

2.2. The accreditation process will include an evaluation of each school's needs for facilities, personnel, curriculum, equipment and materials and how those impact program and student performance.

2.32. Each school is expected to meet performance measures in the following areas: student performance as measured by a uniform statewide assessment program; school attendance rate; student dropout rate; graduation rate; average class size; pupil-teacher ratio; and number of exceptions to that ratio requested by county boards and number granted; number of split-grade classrooms; percent of graduates who enrolled in college or other post-secondary education, and percent of graduates who become fully employed within one year of high school graduation as reported by the graduates on the assessment form attached to their individualized transition plan; pupil-administrator ratio; parent involvement; parent, teacher, and student satisfaction; operating expenditure per pupil; percent of graduates who attain the minimum level of performance in the basic skills recognized by the State Board and the grade level distribution in which the minimum level of performance was met; and effective school system participation with their assigned regional educational service agency.

2.43. The performance measures and high quality standards provide assurance that schools and county boards are making progress in achieving the education goals of the state of West Virginia:

2.43.1. Goal 1. All children entering the first grade will be ready for the first grade.

2.43.2. Goal 2. All students will have equal education opportunity.

2.43.3. Goal 3. Student performance on national measures of student performance will equal or exceed national averages and the performance of students falling in the lowest quartile will improve by fifty percent.

2.43.4. Goal 4. Ninety percent of ninth graders will graduate from high school.

2.43.5. Goal 5. High school graduates will be fully prepared for college, other post-secondary education or gainful employment. The number of high school graduates entering post-secondary education will increase by fifty percent.

2.43.6. Goal 6. All working age adults will be functionally literate.

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§126-13-3. Responsibility.

3.1. The West Virginia Board of Education has responsibility through the system of education performance audits to assist it in ensuring that a thorough and efficient system of schools is being provided and to improve student, school, and school system performance through an assessment and accountability system that includes:

3.1.1. The assessment of student, school, and school system performance and the processes in place in schools and school systems which enable student performance.

3.1.2. The review of school and school system Unified Improvement Plans.

3.1.3. The periodic, random, unannounced on-site review of school and school system performance and compliance with the standards.

3.2. The State Board shall use school and school system assessment information from the system of education performance audits to assist it in the following:

3.2.1. Determining school accreditation and school system approval status.

3.2.2. Holding schools and school systems accountable for the efficient use of existing resources to meet or exceed the standards.

3.2.3. Targeting additional resources when necessary to improve performance.

3.3. The State Board shall make accreditation information available to the Legislature; the Governor; and to the general public and any individuals who request such information subject to the provisions of any act, rule, or regulation restricting the release of information.

3.4. The State Board shall establish early detection and intervention programs to assist underachieving schools and school systems in improving performance before conditions become so grave as to warrant more substantive state intervention, including, but not limited to, making additional technical assistance, programmatic, monetary, and staffing resources available where appropriate.

3.5. The Office of Education Performance Audits shall assist the State Board in making determinations regarding the accreditation status of schools and the approval status of school systems.

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3.6. The West Virginia Education Information System staff shall provide the Office of Education Performance Audits research and analysis data on the performance of students, schools, and school systems.

3.7. The Office of Education Performance Audits shall receive assistance from the State Department of Education to carry out the duties assigned to the office.

3.8. The Office of Education Performance Audits shall receive assistance from the School Building Authority to carry out the duties assigned to the office.

3.9. Responsibilities of the Office of Education Performance Audits include the following:

3.9.1. Assure that all statewide assessments of student performance are secure.

3.9.2. Administer all accountability measures.

3.9.3. Determine what capacity may be needed by schools and school systems to meet the standards established by the Legislature and the State Board, and recommend to the school, school system, and State Board, plans to establish those needed capacities.

3.9.4. Determine whether statewide system deficiencies exist in the capacity to establish and maintain a thorough and efficient system of schools, including the identification of trends and the need for continuing improvements in education, and report those deficiencies and trends to the State Board.

3.9.5. Determine staff development needs of schools and school systems to meet the standards established by the Legislature and the State Board, and make recommendations to the State Board, the center for professional development, regional education service agencies, higher education governing boards, and county boards.

3.9.6. Identify exemplary schools and school systems and best practices that improve student, school, and school system performance, and make recommendations to the State Board for recognizing and rewarding exemplary schools and school systems and promoting the use of best practices.

§126-13-4. Annual Performance Measures. Student achievement, attendance, and dropout data are reviewed annually to determine the accreditation status of schools and the approval status of county boards. No later than the 2003-2004 school year, new student achievement standards will be applied that are based upon a value-added approach, which shall include, but shall not be limited to: 1. Annual changes in students' scores, 2. trends

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in scores, and 3. goals for schools in average scores. The remaining performance measures may be reviewed annually or randomly by on-site review teams.

4.1. A minimum of fifty percent (50%) of the school's students in grades 3 through 11 perform at or above the 3rd quartile in total basic skills; and no more than fifteen percent (15%) of the students perform within the 1st quartile, or the percentage of students performing within the 1st quartile is decreased based on two (2) of the most recent three (3) years. (Education Goal 3) This performance measure will be applied until the new statewide assessment instrument is adopted and implemented. The value-added performance measures will be included and phased in as baseline data are available on the new statewide assessment.

4.2. The student attendance rate is at or above ~~90.5% for the 1997-1998 school year; 91.5% for the 1998-1999 school year; 92.5% for the 1999-2000-2001 and 2001-2002 school years; and 93% for the 2000-2001 school year and subsequent years,~~ adjusted for students excluded as a result of the Productive and Safe Schools Act (W.Va. Code §18A-5-1a) and school bus transportation interruptions. (Policy 4110)

4.3. The maximum student dropout rate is ~~six~~five percent (~~60~~65%) in two (2) of the most recent three (3) years, or in the most recent year for which data are available. The dropout rate is calculated according to the formula of the National Center for Education Statistics.

4.4. A minimum of fifty percent (50%) of the school's students score at or above 2.5 on the Writing Assessment or show an increase in two (2) of the most recent three (3) years; and no more than fifteen percent (15%) of the school's students score below 2, or the percentage of students scoring below 2 is decreased based on two (2) of the most recent three (3) years. (Effective 2001-2002)

4.54. ~~By the year 2003, the~~ minimum graduation rate is at or above ninety-five percent (95%). ~~The graduation rate will be considered as the inverse of the dropout rate, adjusted for migration, will be calculated according to the number of ninth graders who remain in school and graduate and will be applied when data are reported in the West Virginia Report Cards. (Effective 2002-2003) (Education Goal 4)~~

4.65. No teacher shall have more than 20 pupils in kindergarten, 25 pupils in grades 1 through 3, and 25 pupils in grades 4 through 6, excluding chorus, band, and orchestra. Exemptions may be granted for no more than 3 additional pupils per teacher for kindergarten and grades 4 through 6 (W.Va. Code §18-5-18a), ~~provided that exemption requests to obtain these maximum ratios are waived in schools where the schoolwide pupil-teacher ratio does not exceed 25 to 1 in grades 1 through 6.~~

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4.76. The number of split-grade classrooms does not exceed the number that existed as of January 1, 1983. (W.Va. Code §18-5-18a)

4.87. All schools are served by a certified principal. There is a full-time principal at each school in which the net enrollment equals or exceeds one hundred seventy students based on the previous year's 2nd month enrollment report. No principal is assigned more than two schools. (W.Va. Code §18A-2-9)

4.98. Average operating expenditures per pupil are based on the average daily attendance for the current year and are at or above the per pupil allocation for the county provided by the state aid formula.

4.109. The percentage of responding graduates enrolled in college, enrolled in other post-secondary education, or fully employed within one year of graduation is ninety-five percent (95%) or above for the year 2003 graduates excluding those graduates electing to pursue other options.

4.1140. The level of parent involvement shows an increasing trend during the most recent three (3) years or is at or above sixty percent (60%).

4.1244. The average combined percentage of parent, teacher, and student satisfaction with the school is at or above seventy-five percent (75%).

4.1342. The percentage of graduates attaining the minimum level of performance (50th percentile) in reading, mathematics, and language total basic skills is at or above sixty percent (60%).

4.1443. The percentage of graduates attaining the ~~warranty level for an advanced workplace position or entry into post-secondary education~~ (70th percentile) in reading, mathematics, and language total basic skills is at or above thirty-three percent (33%).

~~4.14. The percent of students in grades K-9 passing the Presidential Physical Fitness Test at the "nationals" level is forty percent (40%) or above for the 2000-2004 school year or shows an increasing trend during the most recent three (3) years. (W.Va. Code §18-2-7a)~~

4.15. The percentage of students in grades 9 through 12 enrolled in advanced placement and/or honors classes is at or above five percent (5%). (W.Va. Code §18-9A-1; Policy 2510)

§126-13-5. High Quality Standards. The West Virginia Board of Education hereby adopts education standards for student, school, and school system performance and processes in the following areas: Curriculum; ~~workplace process~~/workplace readiness skills; finance; transportation; special education services, alternative education, and other programs; facilities; administrative practices and school community relations; training county board members and administrators; personnel qualifications; professional development and

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evaluation; student and school performance; a code of conduct for students and employees; and safe and disciplined schools. Each county board of education, in order to define its education program, shall establish policies and implement written procedures that reflect the education standards adopted by the West Virginia Board of Education.

5.1. Curriculum. Programs of study are arranged so that curriculum, instructional practices, and instructional materials ensure that all students have equal opportunity to acquire the knowledge and skills needed to succeed academically and in the workplace.

5.1.1. Mission and goals. The mission and goals of the school provide direction for planning the school's education program. (Policy 2510)

5.1.2. Curriculum based on instructional goals and objectives. The curriculum is based, ~~at a minimum,~~ on the instructional goals and objectives approved by the West Virginia Board of Education and the mission of the school is consistent therewith and appropriate copies provided to the teacher and to the public upon request. (Policy 2510; Policy 2520)

5.1.3. ~~Curriculum and instructional practices reflect high expectations for all students.~~ High expectations. Through curricular offerings, instructional practices, and administrative practices, staff demonstrate high expectations for the learning and achieving of all students. (Policy 2510)

5.1.4. Learning environment. School staff fosters an environment conducive to learning. (Policy 2510)

5.1.5. Curriculum team. A school curriculum team is functioning at each school to establish the programs and methods for implementing a curriculum. (W.Va. Code §18-5A-6)

5.1.6. ~~A copy of the appropriate instructional goals and objectives is provided each teacher and to the public upon request.~~ (Policy 2510)

5.1.67. Instruction. Instruction is consistent with the programmatic definitions in Policy 2510. (Policy 2510)

5.1.78. Protected instructional time. Priority is given to teaching and learning; and classroom instructional time is protected from interruption. (Policy 2510)

5.1.8. Instructional strategies. Staff demonstrate the use of the various instructional strategies and techniques contained in Policies 2510 and 2520. (Policy 2510; Policy 2520)

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5.1.9. ~~Students are provided~~ Instruction in writing. ~~Instruction in writing shall be a part of every child's weekly educational curriculum in grades 1 through 12 in every appropriate class and are expected to write throughout all programs of study.~~ (Policy 2510; Policy 2520)

5.1.10. Library/educational technology access. Students have regular access to library/educational technology centers or classroom libraries. (Policy 2470; Policy 2510)

5.1.11. Technology application. The application of technology is included throughout all programs of study. (Policy 2470; Policy 2510; Policy 2520)

5.1.12. Instructional materials. Sufficient numbers of approved up-to-date textbooks, instructional materials, and other resources are available to deliver curricular content for the full instructional term. (Policy 2510)

5.1.13. Reteaching. ~~School personnel assess student progress and provide reteaching to~~ ~~S~~students not achieving mastery of the instructional goals and objectives ~~are provided reteaching.~~ (Policy 2510)

5.1.14. Programs of study. Programs of study are provided in grades K-12 as listed in Policy 2510 for early, middle, and adolescent, including career clusters and majors. Note: Any changes approved by the West Virginia Board of Education pursuant to the agreed order in Tomblin v. Gainer dealing with vocational programs will also be included. (Policy 2510; Policy 2520)

~~5.1.15. Honors and advanced placement education programs are provided in grades 9-12. (W.Va. Code §18-2E-3a; Policy 2510)~~

5.1.15. Enrichment and acceleration. School personnel provide students enrichment and acceleration opportunities. (Policy 2510)

5.1.16. Career clusters. Students in grades 5-8 have the opportunity to examine a system of career clusters and to select a career cluster to explore in grades 9 and 10. (Policy 2510)

5.1.17. Approved elective offerings. An elective offering must be based on approved West Virginia Board of Education instructional goals and objectives or have written goals and objectives that are approved by the county board. (Policy 2510)

5.1.18. Guidance and advisement. Students are provided guidance and advisement sufficient to allow them to choose a career major prior to completion of grade 10. ~~(effective 1999-2000)~~ (Policy 2510)

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5.1.19. Work-based learning. Work-based learning experiences aligned with classroom instruction are provided for all students during at least one year in grades 9-12. (effective for students entering grade 9 in 1999-2000) (Policy 2510)

5.1.20. Multicultural education. Multicultural education is taught at each programmatic level, K-4, 5-8, and 9-12 with an emphasis on prevention and zero tolerance for racial, sexual, religious/ethnic harassment or violence. (Policy 2421)

5.1.21. Instructional day. An instructional day is provided that includes a minimum of 315 minutes for kindergarten and grades 1 through 4; 330 minutes for grades 5 through 8; and 345 minutes for grades 9 through 12. The county board submits a school calendar with a minimum 180 instructional days. (W.Va. Code §18-5-15; Policy 2510)

5.2. Finance. Resource allocations ensure that all students are provided equal education opportunities through qualified personnel; safe, efficient, and adequate facilities and transportation services; and adequate instructional materials, supplies, and equipment.

5.2.1. Casual deficit. The county board does not have a deficit greater than a casual deficit. (W.Va. Code §18-2E-5)

5.2.24. Resource distribution. The county board and each school distributes the system's resources on the basis of the Unified County Improvement Plan and the Unified School Improvement Plan. (Policy 2510)

~~5.2.2. The school distributes resources on the basis of the Unified School Improvement Plan. (Policy 2510)~~

5.2.3. Accounting practices. The county board's and individual school's accounting practices are consistent with state policies and procedures. (W.Va. Code §§18-9B-9, 10, 11; and 18-4-10; Policy 1224.1; Policy 8100)

~~5.2.4. Individual school accounting practices are consistent with state policies and procedures. (Policy 1224.1; Policy 8100)~~

5.2.45. Faculty senate funds. The faculty senate monitors the funds allocated to individual classroom teachers and librarians from legislative appropriations. The remainder of the funds is expended in accordance with a budget approved and monitored by the faculty senate. (W. Va. Code §18-5A-5)

5.3. Transportation. Adequate transportation services are provided in a safe and efficient manner within, wherever possible, the recommended time guidelines in Policy 6200.

5.3.1. Transportation services. The county board provides safe transportation and special transportation services for eligible students. (Policy 2419; Policy 4334; Policy 4335)

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5.3.2. Full instructional day. Transportation is provided so that students attend the full instructional day. (Policy 2419; Policy 2510)

5.4. Special Education Services, Alternative Education, and Other Programs. Special education services, alternative education, and other programs are provided that meet the education needs of students.

5.4.1. Location and space. Special education services, alternative education, and other programs have adequate space and are appropriately located to meet the needs of the students. (Policy 2418; Policy 2419)

5.4.2. Alternative education. Alternative education programs meet the requirements of Policy 2418. (W.Va. Code §§18-2-6 and 18-5-19; Policy 2418)

5.4.3. Monitoring results. Special education services and other program monitoring results have been reviewed, and citations have been corrected or an approved plan exists for correction. (Policy 2419)

5.5. Facilities. School facilities are safe and meet the needs of students in an efficient and economical manner.

5.5.1. Facilities and equipment specified in Policy 6200, Chapters 1 through 14, are available in all schools, classrooms, and other required areas. A determination will be made by using the Process for Improving Education (W.Va. Code §18-2E-5) whether any identified deficiencies adversely impact and impair the delivery of a high quality educational program. Note: Corrective measures to be taken in response to any identified resource deficiency will of necessity be subject to the feasibility of modifying existing facilities, availability of funding, and prioritization of educational needs. (Policy 6200 and Tomblin v. Gainer)

~~5.5.1. Facilities provide an environment conducive to learning. (Policy 2510; Policy 6200)~~

~~5.5.2. Facilities are adequate to provide the minimum education program required in Policies 2510 and 2520. (Policy 2510; Policy 2520)~~

5.5.23. Regulatory agencies. Fire marshal and health department citations have been corrected or a plan exists for correction. (W.Va. Code §§18-3-9a; 29-3-5; and 29-12-5a)

5.5.34. Safe and healthy facilities. Buildings, grounds, furnishings, and equipment are free from observable safety hazards. (W.Va. Code §18-5-9; Policy 6200)

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5.5.45. Accessible facilities. Buildings, grounds, furnishings, programs, and equipment are accessible to students with disabilities. (Section 504, Rehabilitation Act of 1973 §§104.22 and 104.23; Policy 6200)

5.6. Administrative Practices and School-Community Relations. Schools, communities, and local businesses develop collaborative partnerships that support teaching and learning to ensure that schools deliver a high quality education program and are centers for lifelong learning.

5.6.1. Communication. The superintendent and/or principal ensures that formal and informal mechanisms exist for communication within the county, the school, and the community. (Policy 2510)

~~5.6.2. The county board meets at least once a year with local school improvement councils and considers recommendations and Unified School Improvement Plans from the local school improvement councils in decision making. (W.Va. Code §18-5-14)~~

5.6.23. Technology plan. The county and each school conduct a technology needs assessment and develop county and school technology plans to improve instruction. (Policy 2510)

5.6.34. Parents provided information. Staff members provide parents with information and techniques for helping students learn. (Policy 2510)

5.6.45. Health services. Health services are provided to all students to maximize learning potential. (W.Va. Code §§16-3-4, 4a; 18-5-17 and 22)

5.6.56. Attendance director. An attendance director is employed to ensure regular school attendance. (W.Va. Code §§18-8-1a and 3; Policy 2510)

~~5.6.7. The school and county report cards are disseminated so parents, teachers, administrators and the community are aware of the quality of public education. (W.Va. Code §18-2E-4; Policy 7300)~~

5.6.68. Data-based decisions. Decisions by teachers, principals, and administrators are based upon current student data and the best instructional practices. (Policy 2510)

5.6.79. Business/Community Relationship. ~~The~~ county and schools involve active business partners in education and coordinate business vocational needs and vocational college offerings. (Policy 2510)

~~5.6.10. A county steering committee is established and functioning. (W.Va. Code §18-2E-8; Policy 2510)~~

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5.6.844. Kindergarten program. A full day, everyday kindergarten program is in place or a waiver has been granted by the state superintendent. (W.Va. Code §18-5-18)

5.6.942. Nutrition program. The school provides meals that meet or exceed the minimum standards established by federal regulations, Policy 4320 and Policy 4321.1. (P.L. 95-166; 7CFR 210, 220; W.Va. Code §18-5-37; Policy 4320; Policy 4321.1)

5.6.1043. Local school improvement council. A local school improvement council is established and functioning at each school and meets the statutory requirements and the county board meets at least once a year with the council and considers recommendations and Unified School Improvement Plans from the council in decision making. (W.Va. Code §§18-5A-2 & 18-5-14 Policy 5500.03)

5.6.1144. Faculty senate. A faculty senate comprised of all permanent, full-time professional educators employed at the school is established and functioning at each school and meets the statutory requirements. (W.Va. Code §18-5A-5)

5.6.1245. Codes of conduct. The county and schools implement the code of conduct for students and the code of conduct for employees. (W.Va. Code §18-2E-5; Policy 4373; Policy 5902)

5.6.1346. Planning and Lunch Periods. Teachers are provided a duty-free planning period that is the length of the usual class period and is not less than thirty minutes and teachers and service personnel are provided a duty-free lunch period. (W.Va. Code §18A-4-14)

~~5.6.17. Teachers and service personnel are provided a duty-free lunch period. (W.Va. Code §18A-4-14)~~

~~5.6.18. Test security measures are in place for mandated statewide testing. (Policy 2340)~~

5.6.1449. Statewide assessment. Test security measures are in place for mandated statewide testing. All students in the school participate in the statewide assessment program that includes norm-referenced assessments at grades K-11, the ACT Explore at grade 8, the ACT Work Keys an assessment at grade 12, and the writing assessment at grades 4, 7, and 10, ~~except special education~~ Students with disabilities whose have an Individualized Education Program (IEP) or a Section 504 Plan may be assessed on the norm-referenced test under one of the following conditions: standard conditions, standard conditions with accommodations, or non-standard conditions with modifications. Students unable to participate in the norm-referenced assessment under these conditions and who meet the alternate assessment criteria will participate in the West Virginia Alternate Assessment. Education Performance Audit teams will verify that all students are eligible for testing under non-standard conditions if the non-standard

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~~percentage of students exceeds 10 percent. specifies that the student shall be excluded from the statewide assessment program. An alternate form of assessment must be conducted for those special education students who do not participate in the statewide assessment program. (Policy 2340; Policy 2419; Policy 2510)~~

~~5.6.20. The county board develops a mission statement and goals that are aligned with state goals and implements education programs to meet the goals. (Policy 2510)~~

~~5.6.21. A certificate of proficiency, or an electronic portfolio when available, is issued to each graduate. (Policy 2510)~~

5.6.1522. Skills improvement program. Any student performing below the 50th percentile in the areas of reading, mathematics, and/or language at grade 8 or above is placed in a skills improvement program in those areas of deficiency. (Policy 2510)

5.6.1623. Certificate of proficiency and a warranty seal. A certificate of proficiency is issued to each graduate and a county warranty seal, stamp, or other appropriate symbol is awarded to every student who has achieved a proficiency level of the 50th percentile at grade 11 on the West Virginia Board of Education approved standardized achievement test in the areas of reading, mathematics, and language indicating competency for a basic skills warranty. Every student who scores at or above the 70th percentile at grade 11 in reading, mathematics, and language on the West Virginia Board of Education approved standardized achievement test is awarded a warranty for competency for advanced work place positions and entry into post-secondary education. (Policy 2510)

5.6.1724. West Virginia Education Information System. The county and school participate in the West Virginia Education Information System (WVEIS).

~~5.6.25 The county school system effectively participates with its assigned Regional Education Service Agency:~~

5.7. Training County Board Members. Training programs for county board members support the county education program and contribute to improved job leadership performance by including activities related to board membership and governance effectiveness.

~~5.7.1. Training is designed to enhance board members' understanding of the education process and its programs and to develop leadership skills. (W.Va. Code §18-5-1a)~~

5.7.12. Annual Training. County board members whose terms of office commence after August 30, 1990, receive annually a minimum of seven hours of training through the West Virginia School Boards Association or other organizations approved by the

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State Board, including effective board service, personnel relations/development, policy development, school finance, curriculum and instruction, school law, communication, community relations, and leadership. Members of a county board elected after July 1, 1990, shall complete an orientation relating to board membership and governance, unless they took office prior to July 1, 1988, and have served continuously therefrom. (W.Va. Code §§18-2E-4 and 5 and 18-5-1a)

~~5.7.3. Members of a county board elected after July 1, 1990, shall complete an orientation relating to board membership and governance, unless they took office prior to July 1, 1988, and have served continuously therefrom. (W.Va. Code §18-5-1a)~~

5.8. Personnel Qualifications. County boards shall employ personnel to deliver high quality programs and services to all public school students that ensure academic success; implement employment and assignment practices that conform with W.Va. Code and State Board policy; and promote the development of human resources.

5.8.1. School personnel. Adequate administrative, instructional, support, and service personnel are provided to deliver the programs of studies and services that meet West Virginia Code and the West Virginia Board of Education policies. (Policy 2320; Policy 2510; Policy 2520; Tomblin v. Gainer)

5.8.24. Hiring. County boards employ the most qualified applicant to ensure student academic success. (W.Va. Code §§18A-4-7a and 8)

5.8.32. Licensure. Professional educators and other professional employees required to be licensed under State Board policy are licensed for their assignments including employees engaged in extracurricular activities. (W.Va. Code §18A-3-2; Policy 5202)

~~5.8.3. Other professional employees required to be licensed under State Board policy are licensed for their assignments. (Policy 5202)~~

5.8.4. Service personnel. Service personnel meet qualifications for their classifications and assignments. (W.Va. Code §18A-4-8)

~~5.8.5. Personnel providing supervision or services to students engaged in extracurricular activities meet the qualifications for their assignments. (W.Va. Code §18A-3-2a; Policy 5202)~~

5.9. Professional Development and Evaluation. School personnel improve their knowledge and job performance to ensure the delivery of high quality programs and services that promote the success of all students.

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~~5.9.1. Professional development activities are designed to meet the identified needs of professional and service personnel by upgrading their knowledge and skills. (Policy 5500; Policy 5500.2)~~

~~5.9.12. The school personnel evaluation process provides for the improvement of job performance, promotes professional growth and development and serves as a basis for employment decisions. (Policy 5310; Policy 5314) Evaluation. The county board adopts and implements an evaluation policy for professional and service personnel that is in accordance with W.Va. Code, State Board policy, and county policy. (W.Va. Code §18A-2-12; Policy 5310; Policy 5314)~~

~~5.9.23. Excellence in teaching. Excellence in teaching is acknowledged through recognition programs at the county or school level. (Policy 2510)~~

~~5.9.34. Staff development. The county board administers and implements a staff development program for professional educators and service personnel that conforms with W.Va. Code, State Board policies, and county board policies. (W.Va. Code §18A-3-8; Policy 5500; Policy 5500.02)~~

~~5.9.5. County board administrators annually complete at least seven of the required eighteen hours of staff development in activities related to leadership. (W.Va. Code §18-2E-5)~~

~~5.9.46. Principals' academy. All principals meet the requirements for training through the principals' academy. (W.Va. Code §18A-3-2c; Policy 2510; Policy 5500.03)~~

~~5.9.57. Teacher and principal internship. The county board develops and implements a beginning educator induction teacher internship program that consists of the nine components in W.Va. Code §18A-3-2b and a beginning principal internship program. (W.Va. Code §§18A-3-2b and 2d; Policy 5899; Policy 5900)~~

~~5.9.8. The county board adopts and implements an evaluation policy for professional and service personnel that is in accordance with W.Va. Code, State Board policy, and county policy. (W.Va. Code §18A-2-12; Policy 5310; Policy 5314)~~

5.10. Student and School Performance. The school's education program ensures that: students are taught at developmentally appropriate levels; provided the opportunity to advance to their potential; and graduate with the knowledge and skills needed to succeed in a competitive, changing society.

5.10.1. Grading policy. The county develops and implements a policy for grading. (Policy 2510)

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5.10.2. Unified School Improvement Plan. A formal written Unified School Improvement Plan is established, implemented, and reviewed annually. (Policy 2510)

~~5.10.3. Staff demonstrate the use of the various instructional strategies and techniques contained in Policies 2510 and 2520. (Policy 2510; Policy 2520)~~

~~5.10.4. Staff demonstrate high expectations for each student. (Policy 2510)~~

~~5.10.5. School personnel assess students' progress toward mastering subject content and provide reteaching and enrichment opportunities for all students including honors and advanced placement, remediation, and acceleration. (Policy 2510)~~

5.10.36. Counseling services. School counselors spend at least seventy-five percent (75%) of their time assisting students through individual or group counseling, developmental guidance, academic planning, and career counseling. (W.Va. Code §18-5-18b; Policy 2315)

5.10.47. Student transition plans. Five year two part individualized student transition plans, covering grades nine through twelve and the first year after graduation from high school, are prepared and on file for students. (First Phase effective for students entering grade 8 1998-1999 and Second Phase effective for students entering grade 10 2000-2001) (W.Va. Code §18-2E-8; Policy 2510)

5.10.58. Equal education opportunities. All students have equal education opportunities. (Policy 2510)

5.10.69. Lesson plans. Lesson plans that are based on approved Instructional Goals and Objectives are prepared in advance and the principal reviews and comments on them at least a minimum of once each semesterquarter. (Policy 2510; Policy 5310)

5.10.740. Principal feedback. The principal or designee observes teacher and student performance in the classroom and provides feedback. (Policy 5310)

~~5.10.11. Performance data are analyzed prior to the start of the school term and used to improve student achievement. (Policy 2510)~~

5.10.842. Data analysis. Prior to the beginning of and through the school term ~~the~~ county, school, and teacher have a system for analyzing, interpreting, and using student performance data to identify and assist students who are not at grade level in achieving approved state and local instructional goals and objectives. (Policy 2510)

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~~5.10.13. Students who demonstrate poor academic performance and/or engage in disruptive behavior are identified and appropriate instructional and/or behavioral intervention strategies are implemented within the regular instructional program or students are referred immediately for multi-disciplinary evaluation and receive sustained intervention services. (Policy 2510)~~

5.10.944. Dropout rate monitoring. A system to monitor the dropout rate is in place and, when appropriate, a plan is implemented to decrease the student dropout rate. (Policy 2510)

5.10.1045. Student Assistance Team. A Student Assistance Team is established, and functioning, and meeting the responsibilities outlined in Policy 2510. (Policy 2510)

5.10.1146. Graduate assessment form. Each graduate is provided an assessment form and is requested to complete and return the form to the high school at the end of the first year following graduation. The data from the assessment are used for curriculum and instructional modification. (effective 2003-2004) (W.Va. Code §18-2E-8; Policy 2510)

5.10.12. American College Test and the Scholastic Aptitude Test. The secondary school assesses student scores on the American College Test and the Scholastic Aptitude Test and develops curriculum, programs, and/or practices to improve student and school performance.

5.11. Safe, Drug Free, Violence Free, and Disciplined Schools. The county and school maintain a safe, drug free, violence free, and disciplined learning environment that ensures the physical, social, and emotional well being of students.

5.11.1. School rules, procedures, and expectations. School rules, procedures, and expectations are written and clearly communicated to students, parents, and staff. (Policy 2510)

5.11.2. Individual differences. Individual differences are respected so that each student feels valued. (Policy 2510)

5.11.3. Preventive discipline and student involvement. A preventive discipline program that may include the Responsible Students Program and a student involvement program that may include a peer mediation program are in place. (W.Va. Code §18-5A-2)

5.11.4. Safe school plan. A countywide safe school plan is implemented in each school. (W.Va. Code §18-5A-2)

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5.11.5. Policy implementation. The county and schools has implemented: a policy governing disciplinary procedures; policies governing student due process rights and nondiscrimination; the Racial, Sexual, Religious/Ethnic Harassment, and Violence policy; an approved policy on tobacco use; and an approved policy on substance abuse. (W.Va. Code §§18A-5-1 and 18-8-8; Policy 2422.5; Policy 2422.5A; Policy 4370)

5.11.6. ~~The county and schools implement the Racial, Sexual, Religious/Ethnic Harassment, and Violence policy. (Policy 2421)~~ Presidential Physical Fitness Test. The percentage of students in grades K-9 passing the Presidential Physical Fitness Test at one of the following levels: Presidential, National, or Fitness is forty percent (40%) or above for the 2000-2001 school year or shows an increasing trend during the most recent three (3) years. (W.Va. Code §18-2-7a)

5.12. Leadership. Effective leadership exists at the school district, school, and classroom levels.

5.12.1. The county board of education, county superintendent, and principal facilitate the development, articulation, and implementation of a vision and goals that are shared and supported by the school community. (Policy 5500.03)

5.12.2. The principal develops, nurtures, and sustains the development of a school culture and instructional program that is conducive to student learning and staff professional development. (Policy 5500.03)

5.12.3. The education leaders that include the principal, assistant principal, and teachers ensure management of the organization, operations, and resources for a safe, efficient, and effective learning environment. (Policy 5500.03)

5.12.4. The education leader at each level in the school system collaborates with families and community members, responds to diverse community interests and needs, and mobilizes community resources. (Policy 5500.03)

5.12.5. The education leader acts with integrity, fairness, and in an ethical manner and implements and operates within the legal context as it relates to school. (Policy 5500.03)

§126-13-6. Indicators of Efficiency. Indicators of efficiency for student and school system performance and processes will be reviewed in the following areas: Curriculum delivery, including but not limited to, the use of distance learning; facilities; administrative practices; personnel; utilization of regional education service agency programs and services that may be established by their assigned regional education service agency, or other regional services that may be initiated between and among participating county boards.

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6.1. Indicators of Efficiency. The school district and school use existing resources efficiently and effectively for student and school system performance.

6.1.1. Curriculum. The school district and school conduct an annual curriculum audit regarding student curricular requests and overall school curriculum needs, analyze results, and include alternate methods of delivery including satellite delivery and distance learning in combination with accessible and available resources.

6.1.2. Transportation. The school district evaluates the cost containment and effectiveness of the transportation system and provides students safe and efficient transportation services consistent with State laws and policies.

6.1.3. Facilities. Schools are operated efficiently, economically, safely, and without waste or duplication, and the number and location of schools efficiently serves the student population. (W. Va. Code §§18-9D-15 and 18-9D-16d)

6.1.4. Administrative practices. The school district assesses the assignment of administrative personnel to determine the degree to which managerial/administrative services provided to the schools establishes and supports high quality curriculum and instructional services.

6.1.5. Personnel. The school district assesses the assignment of personnel as based on West Virginia Code and State Board of Education policies to determine the degree to which instructional and support services provided to the schools establishes and supports high quality curriculum and instructional services.

6.1.6. Regional Educational Service Agency. The school district assesses the degree to which greater establishment and utilization of services that promote high quality educational services are continuously available through Regional Educational Service Agency participation and/or coordinated between and among counties.

§126-13-76. County and School Improvement Plan Process.

76.1. Each county board develops and submits a Unified County Improvement Plan or an equivalent strategic plan to the West Virginia Office of Education Performance Audits by ~~December 31, 1997~~ September 1, and an update each year thereafter. This plan is based on information from the Unified School Improvement Plans, locally identified needs, and school performance data. The plan specifies strategies for meeting high quality standards and performance measures that have not been met.

76.2. Each school develops a Unified School Improvement Plan or an equivalent strategic plan by ~~September 30, 1997~~ June 15, and annually submits to the West Virginia Office of Education Performance Audits a checklist indicating compliance with the high

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quality standards and performance measures and specific plans to meet standards and performance measures not met. The plan is based on the identified needs of the students and is developed collaboratively by the local school improvement council, the principal, faculty senate, and school curriculum team.

76.3. The county superintendent and board president ~~for the Unified County Improvement Plan~~, and each school's principal ~~for the annual school checklist~~, shall sign a statement acknowledging that the information submitted in the county and school Unified Improvement Plan and checklist is accurate in accordance with W.Va. Code §18-2E-6. Willfully or knowingly falsifying information contained in the annual school checklist shall result in the administrative leader's certificate being revoked.

76.4. Periodic, random, and unannounced on-site review teams assess the county's and schools' compliance with the high quality standards and performance measures. (W.Va. Code §18-2E-5) The teams will review effectiveness of the Unified County Improvement Plan and the Unified School Improvement Plans.

§126-13-87. School Accreditation Status.

87.1. The State Board annually shall review the information from the system of education performance audits submitted for each school and shall issue to every school one of the following: Exemplary accreditation status, Full accreditation status, conditional accreditation status, temporary accreditation status, ~~conditional accreditation status~~, or seriously impaired status.

8.2. Exemplary accreditation status shall be issued to a school when the measure of the school's student and school performance substantially exceeds the minimal level performance on the standards in this policy.

87.3. Conditional accreditation status shall be issued to a school when the measure of the school's performance is below established standards and performance measures, but the school's Unified Improvement Plan has been revised to achieve full accreditation status by a date certain, the plan has been approved by the State Board, and the school is meeting the objectives and time line in the revised plan.

87.4. Temporary accreditation status shall be issued to a school when the measure of the school's performance is below established standards and performance measures.

87.4.1. Whenever a school is issued temporary accreditation status, the county board shall ensure that the school's Unified School Improvement Plan is revised to increase the performance of the school to a full accreditation status level. The revised plan shall include objectives, a time line, a plan for evaluation of the success of the

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improvements, cost estimates, and a date certain for achieving full accreditation status.

87.43.2. The revised Unified School Improvement Plan shall be submitted to the State Board for approval.

~~7.4. Conditional accreditation status shall be issued to a school when the measure of the school's performance is below established standards and performance measures, but the school's Unified Improvement Plan has been revised to achieve full accreditation status by a date certain, the plan has been approved by the State Board, and the school is meeting the objectives and time line in the revised plan.~~

87.5. Seriously impaired status shall be issued to a school when the measure(s) of the school's performance is/are below the established performance measures or the State Board determines that extraordinary circumstances exist.

§126-13-9. Exemplary Accreditation Status. A school shall be considered to be awarded exemplary accreditation status by the State Board when all the following performance measures listed are achieved and all the high quality standards are met.

9.1. Seventy-five percent (75%) or more of the school's students in grades 3 through 11 perform at or above the 3rd quartile in total basic skills and 10 percent (10%) or fewer students perform within the 1st quartile. This performance measure will be applied until the value-added assessment approach is developed.

9.2. The student attendance rate is at or above ninety-six percent (96%) in the most recent year for which data are available.

9.3. The student dropout rate is less than two percent (2%) in the most recent year for which data are available.

9.4. Twenty percent (20%) or more of the school's students score at or above 3 on the Writing Assessment.

§126-13-10-8. Seriously Impaired Status. A school shall be considered to be seriously impaired by the State Board when one or more of the following conditions exist:

108.1. The total basic skills score for one or more grade levels in grades 3 through 11 is at or below the 30th percentile in the most recent year for which data are available and one (1) of the two (2) preceding years. The percentage of the school's students in grades 3 through 11 perform at or above the 3rd quartile in total basic skills is thirty percent (30%); and thirty percent (30%) of the students perform within the 1st quartile, unless the percentage of students performing within the 1st quartile is decreased based on two (2) of the most recent three (3) years. This performance measure will be applied until the new statewide

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assessment instrument is implemented. The value-added performance measures will be phased in as baseline data are available on the new statewide assessment.

108.2. The student attendance rate is at or below eighty percent (80%) in the most recent year for which data are available and one (1) of the two (2) preceding years.

108.3. The student dropout rate is at or above nine percent (9%) in the most recent year for which data are available and one (1) of the two (2) preceding years. The dropout rate is calculated according to the formula of the National Center for Education Statistics.

108.4. The school falls below the criteria for full accreditation in all three of the following performance measures: 4.1, student achievement; 4.2, student attendance; and 4.3, student dropout.

108.5. The West Virginia Board of Education may determine a school to be seriously impaired when extraordinary circumstances exist. Extraordinary circumstances are conditions that constitute major impediments to the provision of educational programs and services for students. Extraordinary circumstances shall include the following conditions.

10.5.1. The failure of a school on temporary accreditation status to obtain approval of its revised Unified School Improvement Plan within a reasonable time period as defined by the State Board. ~~and~~

10.5.2. ~~T~~the failure of a school on conditional accreditation status to meet the objectives and time line in the revised plan or to achieve full accreditation by the date specified in the revised plan.

10.5.3. Extraordinary circumstances may also include the following: Physical or other abuse of students; inappropriate suspensions and/or expulsions; misappropriation of funds; misuse of public funds; falsification of reports and/or failure to submit required reports; violation of W.Va. Code and State Board policies that impacts the provision of an appropriate educational program; unhealthy or unsafe conditions for students and/or employees; or failure to provide a high quality and equal educational opportunity for students which can be directly attributed to deficiencies in leadership according to Section 5.12 and to the school's resources in facilities, personnel, curriculum, and/or equipment and materials. (Policy 1340)

a8.5.1. Whenever a school is seriously impaired, the West Virginia Board of Education, shall appoint a team of improvement consultants to make recommendations within sixty days of appointment for correcting the impairment.

b8.5.2. Upon approval of the recommendations by the West Virginia Board of Education, the recommendations shall be made in writing to the county board. If progress

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in correcting the impairment is not made within six months of receipt of the recommendations, the State Board shall place the county board on temporary approval status and provide consultation and assistance to the county board to (i) Improve personnel management, (ii) establish more efficient financial management practices, (iii) improve instructional programs and rules, or (iv) make such other improvements as may be necessary to correct the impairment.

c8-5.3. If the school's impairment is not corrected by a date certain set by the State Board, the county board shall be issued nonapproval status.

d8-5.4. Whenever a school is determined to be seriously impaired and fails to improve its status within one year, any student attending such school may transfer once to the nearest fully accredited school, subject to approval of the fully accredited school and at the expense of the school from which the student transferred.

§126-13-119. School System Approval.

119.1. The State Board annually shall review information submitted for each school system from the system of education performance audits and issue one of the following approval levels to each county board: Full approval, conditional approval, temporary approval, ~~conditional approval~~, or nonapproval.

119.2. Full approval shall be issued to a county board whose educational system meets or exceeds all of the high quality standards for student, school, and school system performance and processes adopted by the West Virginia Board of Education and whose schools have all been issued full, conditional, or temporary, ~~or conditional~~ accreditation status.

119.3. Conditional approval shall be issued to a county board whose educational system is below the level required for full approval, but whose Unified County Improvement Plan meets the following criteria: (i) the plan has been revised to achieve full approval by a date certain, (ii) the plan has been approved by the State Board, and (iii) the county board is meeting the objectives and time line specified in the revised plan.

119.4. Temporary approval shall be issued to a county board whose educational system is below the level required for full approval. Whenever a county board is given temporary approval status, the county board shall revise its Unified County Improvement Plan to increase the performance of the school system to a full approval status level. The revised plan shall include objectives, a time line, a plan for evaluation of the success of the improvements, a cost estimate, and a date certain for achieving full approval. The revised plan shall be submitted to the State Board for approval.

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~~9.4. Conditional approval shall be issued to a county board whose educational system is below the level required for full approval, but whose Unified County Improvement Plan meets the following criteria: (i) the plan has been revised to achieve full approval by a date certain, (ii) the plan has been approved by the State Board, and (iii) the county board is meeting the objectives and time line specified in the revised plan.~~

119.5. Nonapproval status shall be issued to a county board which fails to meet the criteria established by the State Board.

§126-13-1240. Nonapproval Status. A school system shall be designated as on nonapproval status when one or more of the following conditions exist:

1240.1. The county board fails to submit and gain approval of its Unified County Improvement Plan.

1240.2. A county board on temporary approval status fails to submit its revised Unified County Improvement Plan within thirty (30) days following written notification of the temporary approval status.

1240.3. A county board on conditional approval status fails to meet the objectives and time line of its revised plan.

1240.4. A county board on conditional approval status fails to achieve full approval status by the date specified in the revised plan.

1240.5. The West Virginia Board of Education may issue nonapproval status to a county board when extraordinary circumstances exist. Extraordinary circumstances are conditions that constitute major impediments to the provision of education programs and services for students. Extraordinary circumstances may include: Misappropriation of funds; misuse of funds; falsification of reports and/or failure to submit required reports; violation of W.Va. Code or West Virginia Board of Education policies that impacts the provision of an appropriate educational program; unhealthy or unsafe conditions for students and/or employees; or failure to provide a high quality and equal educational opportunity for students, or deficiencies in leadership according to Section 5.12. (Policy 1340)

1240.6. Whenever a county board has more than a casual deficit the county board shall submit a plan to the State Board specifying strategies for eliminating the casual deficit. The State Board shall either approve or reject the plan. Any county board that fails to submit and gain approval for the plan before the end of the fiscal year after a deficit greater than a casual deficit occurred or any county board which fails to comply with an approved plan may be designated as having nonapproval status.

1240.6.1. Whenever nonapproval status is issued to a school system, the West Virginia Board of Education shall declare a state of emergency in the school system by

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written notification and shall appoint a team of improvement consultants to make recommendations within sixty days of appointment for correcting the emergency.

1240.6.2. Upon approval of the recommendations by the West Virginia Board of Education, the recommendations shall be made in writing to the county board. If progress in correcting the emergency, as determined by the State Board, is not made within six months of receipt of the recommendations, the State Board shall intervene in the operation of the school system to cause improvements to be made that will provide assurances that a thorough and efficient system of schools will be provided.

1240.6.3. This intervention may include, but is not limited to: (i) limiting the authority of the county superintendent and county board as to the expenditure of funds, the employment and dismissal of personnel, the establishment and operation of the school calendar, the establishment of instructional programs and policies and such other areas as may be designated by the West Virginia Board of Education by rule; (ii) taking such direct action as may be necessary to correct the emergency; and (iii) declaring that the office of the county superintendent is vacant. (W.Va. Code §18-2E-5(g))

12.6.4. The State Board may intervene immediately in the operation of a county school system if the State Board finds the following: (1) That the conditions precedent to intervention exist as provided in this section; and (2) That delaying intervention for any period of time would not be in the best interests of the students of the county school system.

§126-13-1344. On-Site Reviews.

1344.1. At the direction of the State Board or by weighted, random selection by the Office of Education Performance Audits, an unannounced on-site review shall be conducted by the Office of Education Performance Audits of any school or school system for purposes, including, but not limited to the following:

1344.1.1. Verifying data reported by the school or county board.

1344.1.2. Documenting compliance with policies and laws.

1344.1.3. Evaluating the effectiveness and implementation status of school and school system Unified Improvement Plans.

1344.1.4. Investigating official complaints submitted to the State Board that allege serious impairments in the quality of education in schools or school systems.

1344.1.5. Investigating official complaints submitted to the State Board that allege that a school or county board is in violation of policies or laws under which schools and county boards operate.

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1344.2. Selection of schools and school systems for an on-site review shall use a weighted random sample so that those with lower performance indicators and those that have not had a recent on-site review have a greater likelihood of being selected.

1344.3. The teams shall be composed of an adequate number of persons who possess the necessary knowledge, skills, and experience to make an accurate assessment of education programs and who are drawn from a trained cadre established by the Office of Education Performance Audits. Education performance audit teams shall be made up primarily of professional personnel employed by the State who routinely perform the same functions to insure consistency in the evaluation process (contingent upon funding). The teams shall be led by a member of the Office of Education Performance Audits staff.

1344.4. The Office of Education Performance Audits shall report the findings of the on-site reviews to the West Virginia Board of Education for inclusion in the evaluation and determination of a school's or county board's accreditation or approval status as applicable.

1344.5. The West Virginia Board of Education encourages the sharing of information to improve school effectiveness among the county boards, multi-county vocational-technical institutes, and regional educational service agencies.

1344.6. If, during an on-site review, a school or county board is found to be in noncompliance with one or more standards, the school and county Unified Improvement Plans must be revised and shall be submitted to the West Virginia Office of Education Performance Audits within thirty (30) days of receipt of the draft written report. The plans shall include objectives, a time line, a plan for evaluation of the success of the improvements, a cost estimate and a date certain for achieving full accreditation and/or full approval status as applicable.

1344.7. If an acceptable plan is presented to the West Virginia Office of Education Performance Audits, the county board and school(s) shall implement the plan(s) in accordance with the date certain.

1344.8. If the plan submitted to the West Virginia Office of Education Performance Audits is not acceptable, the Director of the office may return the plan for modification or has discretion to modify the plan in consultation with the county board and accept the plan as modified.

1344.9. The on-site review process (a) requires the local school system to correct the deficiencies which are within its capacity to correct and (b) identifies those areas in which additional capacity is needed ~~will include compliance with the high quality standards, but primary emphasis in determining school accreditation and school system approval status will be based on student, school, and school system performance measures.~~

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§126-13-1442. Capacity Building.

1442.1. Capacity building is a process for targeting resources strategically to improve the teaching and learning process. School and county Unified Improvement Plan development is intended, in part to provide mechanisms to target resources strategically to the teaching and learning process to improve student, school, and school system performance.

14.2. Determination will be made through the resource evaluation process regarding whether or not leadership or resources are a detrimental factor in delivery of a thorough and efficient system of education.

1442.24.1. When deficiencies are detected through the assessment and accountability processes, the revision and approval of the school and county Unified Improvement Plans shall ensure that schools and school systems are efficiently using existing resources to correct the deficiencies.

1442.24.2. When the State Board determines that schools and school systems do not have the capacity to correct deficiencies, the State Board shall work with the county board to develop or secure the resources necessary to increase the capacity of schools and school systems to meet the standards and, when necessary, seek additional resources in consultation with the Legislature and the Governor.

1442.34. The State Board shall recommend to the appropriate body including, but not limited to, the Legislature, county boards, schools, and communities methods for targeting resources strategically to eliminate deficiencies identified in the assessment and accountability processes by the following:

1442.32.1. Examining reports and Unified Improvement Plans regarding the performance of students, schools, and school systems relative to the standards and identifying the areas in which improvement is needed;

1442.32.2. Determining the areas of weakness and of ineffectiveness that appear to have contributed to the substandard performance of students or the deficiencies of the school or school system;

1442.32.3. Determining the areas of strength that appear to have contributed to exceptional student, school, and school system performance and promoting their emulation throughout the system;

1442.32.4. Requesting technical assistance from the School Building Authority in assessing or designing comprehensive educational facilities plans;

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1442.32.5. Recommending priority funding from the School Building Authority based on identified needs;

1442.32.6. Requesting special staff development programs from the Center for Professional Development, higher education, regional education service agencies, and county boards based on identified needs;

1442.32.7. Submitting requests to the Legislature for appropriations to meet the identified needs for improving education;

1442.32.8. Directing county boards to target their funds strategically toward alleviating deficiencies;

1442.32.9. Ensuring that the need for facilities in counties with increased enrollment is appropriately reflected and recommended for funding;

1442.32.10. Ensuring that the appropriate person or entity is held accountable for eliminating deficiencies; and

1442.32.11. Ensuring that the needed capacity is available from the state and local level to assist the school or school system in achieving the standards and alleviating the deficiencies.

pol2320rev2000
11/9/00
11:00 a.m.

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Performance Based Accreditation System (2320) FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$1,527,993	\$ 0	\$ 0	\$ 1,527,993	\$1,604,393
PERSONAL SERVICES	\$ 670,000	\$ 0	\$ 0	\$ 670,000	\$703,500
CURRENT EXPENSES					
REPAIRS/ALTERATIONS					
EQUIPMENT					
OTHER	\$ 857,993			\$ 857,993	\$900,893
2. ESTIMATED TOTAL REVENUES	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

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

This request for appropriation is in response to additional requirements of Tomblin v. Gainer Agreed Order signed August 1, 2000.

The Tomblin v. Gainer Agreed Order requirements include: 1. Implementing resource evaluation for facilities, personnel, curriculum, equipment, and materials as part of the accreditation process and 2. education performance audit teams made up primarily of professional personnel employed by the state who routinely perform the same functions in the accreditation process to insure consistency.

The minimum implementation of the resource evaluation area of the court order to routinely perform the functions in the accreditation process require the following:

1. Ten (10) professional positions;
2. Four (4) secretarial positions;
3. Office space, equipment, and furnishings;
4. Travel;
5. Training; and
6. Other operating disbursements.

DATE
11/13/00

AGENCY
West Virginia Board of Education
Office of Education Performance Audits

AUTHORIZED REPRESENTATIVE
Steven R. Seal

§126-13-3. - Responsibility.

§126-13-4. - Annual Performance Measures.

§126-13-5. - High Quality Standards.

§126-13-6. - Indicators of Efficiency.

§126-13-7. - County and School Improvement Plan Process.

§126-13-8. - School Accreditation Status.

§126-13-9. - Exemplary Accreditation Status.

§126-13-10. - Seriously Impaired Status.

§126-13-11. - School System Approval.

§126-13-12. - Nonapproval Status.

§126-13-13. - On-Site Reviews.

§126-13-14. - Capacity Building.

Please submit comments by January 11, 2001 to:

Dr. Donna Davis, Deputy Director
Office of Education Performance Audits
550 Eagan Street, Suite 204
Charleston, WV 25301

FAX: (304) 558-2405