

**WEST VIRGINIA  
SECRETARY OF STATE**

**JOE MANCHIN III**

**ADMINISTRATIVE LAW DIVISION**

Form #2

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2001 APR 13 P 4:26

**OFFICE 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 May 15, 2001 AT 4:45 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

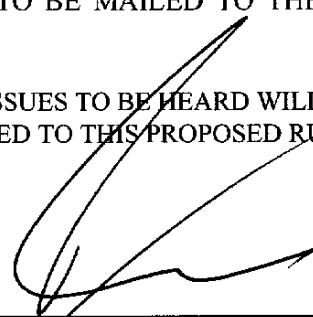
Dr. Donna Davis, Deputy Director

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.



William J. Luff, Jr.  
Associate State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**SCANNED**

\$9.40

**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: May 15, 2001 ADOPTED: \_\_\_\_\_**

**BACKGROUND:**

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 in the areas of facilities, curriculum, personnel, equipment, and materials.

**PURPOSE:**

The purpose for revising Policy 2320, A Process for Improving Education-Performance Based Accreditation System, is to incorporate changes believed to be pertinent in the continuing litigation in Tomblin v. Gainer.

**PROPOSED REVISIONS:**

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.

- 4.2 Clarifies language to adjust the attendance standard for students excluded by the Safe Schools Act and transportation interruptions.
- 5.5.1 Moved to a new section, §126-13-15.
- 5.8.1 Moved to a new section, §126-13-15.
- 14.3.12 Establishes resource evaluation as part of education performance audits.
- §126-13-15 Establishes a new section to identify resource needs.
- 15.1-15.1.16 Incorporates language from Agreed Order Appendix A-2.
- 15.2 Moved from 5.5.1.
- 15.2.1 Moved from 5.8.1.
- 15.3-15.3.4 Incorporates language from Agreed Order Appendix A-1.

**IMPACT:**

The proposed revisions provide for resource evaluation to determine if school systems and schools have the adequate resources to deliver students a quality education as specified in Policy 2510. It also provides for an assessment of proposed changes in the Agreed Order.

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OFFICE WEST VIRGINIA  
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 West Virginia Board of Education 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. -- ~~February 27, 2001~~

1.4. Effective Date. -- ~~July 1, 2001~~

1.4.1. Unless specified otherwise within the policy.

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

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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.

2.3. 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 West Virginia Board of Education and the grade level distribution in which the minimum level of performance was met.

2.4. 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:

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

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

2.4.3. 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.

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

2.4.5. 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.

2.4.6. 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 West Virginia Board of Education 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 West Virginia Board of Education 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 West Virginia Board of Education 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 West Virginia

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Board of Education in making determinations regarding the accreditation status of schools and the approval status of school systems.

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 West Virginia Board of Education, and recommend to the school, school system, and West Virginia Board of Education, 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 West Virginia Board of Education.

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

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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 West Virginia Board of Education 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 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. Achievement. 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. (Effective 2003-2004)

4.2. Attendance rate. The student attendance rate is at or above 92.5% for the 2000-2001 and 2001-2002 school years; and 93% for subsequent years; The student attendance rate will be 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 for the 2001-2002 and subsequent school years. (Policy 4110)

4.3. Dropout rate. The maximum student dropout rate is five percent (5%) 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. Writing Assessment. A minimum of sixty percent (60%) of the school's students score at or above 2.0 on the Writing Assessment for the 2001-2002 school year or show an increasing trend in two (2) of the most recent three (3) years; seventy percent (70%) score at or above 2.0 for the 2002-2003 school year or show an increasing trend in two (2) of the most recent three (3) years; and eighty percent (80%) score at or above 2.0 for the 2003-2004 school year or show an increasing trend in two (2) of the most recent three (3) years.

4.5. Graduation rate. The minimum graduation rate is at or above ninety-five

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percent (95%). The graduation rate will be considered as the inverse of the dropout rate and will be applied when data are reported in the *West Virginia Report Cards*. (Effective 2002-2003) (Education Goal 4)

4.6. Pupil-teacher ratio. 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).

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

4.8. Certified principals. 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)

4.9. Operating expenditures per pupil. 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.

4.10. Graduates enrolled in college, post-secondary education, or fully employed. 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.

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

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

4.13. Graduates attaining the 50th percentile in total basic skills. The percentage of graduates attaining the minimum level of performance (50th percentile) in total basic skills is at or above sixty percent (60%) or shows an increasing trend in two (2) of the most recent three (3) years. (Effective 2001-2002)

4.14. Graduates attaining the 70th percentile in total basic skills. The percentage of graduates attaining the 70th percentile in total basic skills is at or above thirty-three percent (33%) or shows an increasing trend in two (2) of the most recent three (3) years. (Effective 2001-2002)

4.15. Enrollment in advanced placement and/or honors classes. The percentage

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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)

4.16. **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 or shows an increasing trend during the most recent three (3) years. (W.Va. Code §18-2-7a)

**§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 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 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 on the instructional goals and objectives approved by the West Virginia Board of Education and the mission of the school is consistent therewith. Appropriate copies of the instructional goals and objectives are provided to each teacher and to the public upon request. (Policy 2510; Policy 2520)

5.1.3. **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)

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

5.1.7. 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)

5.1.9. 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. (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 students not achieving mastery of the instructional goals and objectives. (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 levels, 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. 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

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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. (Policy 2510)

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)

5.2.2. 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)

5.2.3. 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. 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

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transportation and special transportation services for eligible students. (Policy 2419; Policy 4334; Policy 4335)

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. 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, consideration of alternative methods of instructional delivery, availability of funding, and prioritization of educational needs through Comprehensive Educational Facilities Plans and the West Virginia School Building Authority. This policy is in no way to be interpreted to preclude, direct, or refute the authority, judgment, or priorities of the School Building Authority who is statutorily responsible for prioritizing ANeed@ for the purpose of funding school improvements or school construction in the State of West Virginia or the prerogative of the Legislature in providing resources. (Policy 6200 and Tomblin v. Gainer)~~

5.5.2<sup>1</sup>. 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)

5.5.3<sup>2</sup>. Safe and healthy facilities. Buildings, grounds, furnishings, and

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equipment are free from observable safety hazards. (W.Va. Code §18-5-9; Policy 6200)

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

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

5.6.4. 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)

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

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

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

5.6.8. 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)

5.6.9. 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)

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5.6.10. Local school improvement council. A local school improvement council is established, functioning, and meets the statutory requirements. 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)

5.6.11. 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. The meetings of the faculty senate are scheduled to maximize instructional time. (W.Va. Code §18-5A-5; Policy 2510)

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

5.6.13. 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)

5.6.14. 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, an assessment at grade 12, and the writing assessment at grades 4, 7, and 10. Students with disabilities who 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 the eligibility of any student tested under non-standard conditions. If less than 90 percent of students are tested under standard conditions the reasons must be documented through IEPs, 504 plans, or attendance records. (Policy 2340; Policy 2419; Policy 2510)

5.6.15. 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)

5.6.16. 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

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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)

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

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

5.7.1. 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 West Virginia Board of Education, 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)

5.8. Personnel. 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 West Virginia Board of Education 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)~~

5.8.21. 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 West Virginia Board of Education policy are licensed for their assignments including employees engaged in extracurricular activities. (W.Va. Code §18A-3-2; Policy 5202)

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

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.

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

5.9.2. Excellence in teaching. Excellence in teaching is acknowledged through recognition programs at the county or school level. (Policy 2320)

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

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

5.9.5. Teacher and principal internship. The county board develops and implements a beginning 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)

5.10. Student and School Performance. The school's education program ensures that: students are taught at developmentally appropriate levels; provided the opportunity and encouraged 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 that is consistent with student confidentiality. (Policy 2510; Policy 4350)

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. Counseling services. Counseling services are available for each student and 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)

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5.10.4. 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)

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

5.10.6. 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 a minimum of once each quarter. (Policy 2510; Policy 5310)

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

5.10.8. 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)

5.10.9. 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)

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

5.10.11. 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 county, principal, counselors, and teachers assess student scores on the American College Test and the Scholastic Aptitude Test and develop curriculum, programs, and/or practices to improve student and school performance.

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**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 and staff.

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

**5.11.5. Policy implementation.** The county and schools implement: 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)

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

**5.12.1. Vision.** The county board of education, county superintendent, central office administrators, and principals 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. School culture and instruction.** 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. Management and environment.** 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)

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5.12.4. Community. The education leaders, at each level in the school system, collaborate with families and community members, respond to diverse community interests and needs, and access community resources. (Policy 5500.03)

5.12.5. Professionalism. The education leaders act with integrity, fairness, in an ethical manner and function within their legal authority. (Policy 5500.03)

**§126-13-5A. Pilot High Quality Standards.** The West Virginia Board of Education hereby establishes the following pilot standards as one step in the process, currently underway, of determining the curriculum that should be available to students in the public schools in West Virginia. These pilot standards will be used by the Office of Education Performance Audits in determining the present availability of curriculum offerings in the schools. **The West Virginia State Board of Education wants it clearly understood that (1) a high quality education requires a broad based elective curriculum; (2) the adolescent education curriculum set out below is an example of such a curriculum to be considered until the State Board of Education adopts its policy thereon presently scheduled for early 2002; and (3) the high school curriculum set out below will not be used in any manner for accreditation purposes. Final State Board policy regarding curriculum may or may not require the courses set forth in 5A.2, 5A3, and 5A4.**

5A.1 IGOs. The curriculum is based, at a minimum, on the instructional goals and objectives approved by the West Virginia Board of Education. (Policy 2320) The mission of the school is consistent therewith. Copies are provided to the teacher and public upon request. (Policy 2510)

5A.2 Programs of study are provided in grades K-8 as listed in Policy 2510; K-2 English language arts, mathematics daily; also required science, social studies, art, music, physical education, health; in addition 5-8 must include career exploration, developmental guidance, foreign language, and general and instrumental music no later than grade 6. (Policy 2510; 2520)

5A.3 The high school curriculum (grades 9-12) ensures student access to those courses identified by the West Virginia Board of Education as components of a high quality education: (a) art education - 4 offerings; (b) foreign language - 4 levels of one language, 2 levels of second language; (c) health education - 2 offerings; (d) English language arts education curriculum - drama, theater, journalism, mass media, television, film, speech, creative writing, technical writing, desk top publishing, ap English, English college courses, yearbook, newspaper, library/media; (e) mathematics education curriculum - elective offerings - applied mathematics I, applied mathematics II, geometry/applied geometry, algebra II, trigonometry, probability and statistics, pre-calculus, ap calculus, discrete mathematics, algebra/geometry preparation, algebra support, ap mathematics, college course; (f) music education - 6 offerings; (g) physical education - 5 offerings; (h) science -

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biology and science - 3 offerings; health/environmental science - 2 offerings; physics - 2 offerings; (i) social studies education curriculum offerings - civics/government, economics, geography, ap social studies, 2 ap courses. It is recognized that it will take time for some schools to meet these curriculum goals. Distance learning, cooperative teaching, and other approaches should be employed to maximize curriculum offerings.

5A.4 Vocational Curriculum. The program of studies for vocational courses includes those offerings identified by the West Virginia Board of Education as components of a high quality education: (a) business education, (b) computer science, (c) Information/technology, (d) industrial/recreational, (e) wood products, (f) food service, (g) health care, plus at least 10 other electives consistent with State Board vocational planning policy.

5A.5 Vocational curriculum is consistent with job market needs and employability.

5A.6 Honors and advanced placement education programs are provided in grades 9-12 (W.Va. Code §§18-2-3a; Policy 2510)

**§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, or other regional services that may be initiated between and among participating county boards.

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 as needed 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

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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 West Virginia 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 effectively utilizes Regional Educational Service Agency programs and services or other regional services that may be initiated between and among county boards.

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

7.1. 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, 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.

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

7.3. The county superintendent and board president and each school's principal 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.

7.4. 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.

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

8.1. The West Virginia Board of Education 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, 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.

8.3. Full accreditation status shall be issued to a school when the measure of the school's performance is at a level that meets the annual performance measures and high quality standards in this policy.

8.4. 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 West Virginia Board of Education, and the school is meeting the objectives and time line in the revised plan.

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

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

8.5.2. The revised Unified School Improvement Plan shall be submitted to the West Virginia Board of Education for approval.

8.6. 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 West Virginia Board of Education determines that extraordinary circumstances exist.

**§126-13-9. Exemplary Accreditation Status.** A school shall be awarded exemplary accreditation status by the West Virginia Board of Education 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

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through 11 perform at or above the 3<sup>rd</sup> quartile in total basic skills and 10 percent (10%) or fewer students perform within the 1<sup>st</sup> 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-four percent (94%) in the most recent year for which data are available.

9.3. The student dropout rate is at or less than three and six tenths percent (3.6%) 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. Seriously Impaired Status.** A school shall be considered to be seriously impaired by the West Virginia Board of Education when one or more of the following conditions exist:

10.1. The percentage of the school's students in grades 3 through 11 perform at or above the 3<sup>rd</sup> quartile in total basic skills is thirty percent (30%); and thirty percent (30%) of the students perform within the 1<sup>st</sup> quartile, unless the percentage of students performing within the 1<sup>st</sup> quartile is decreased based on two (2) of the most recent three (3) years. This performance measure will be applied until the new statewide assessment instrument is implemented. The value-added performance measures will be phased in as baseline data are available on the new statewide assessment.

10.2. 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.

10.3. 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.

10.4. 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.

10.5. 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

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as defined by the West Virginia Board of Education.

10.5.2. 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 West Virginia Board of Education policies that impact 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)

a. 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.

b. 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 impairment is not made within six months of receipt of the recommendations, the West Virginia Board of Education 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.

c. If the school's impairment is not corrected by a date certain set by the West Virginia Board of Education, the county board shall be issued nonapproval status.

d. 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.

### **§126-13-11. School System Approval.**

11.1. The West Virginia Board of Education 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, or nonapproval.

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11.2. 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 accreditation status.

11.3. 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 West Virginia Board of Education, and (iii) the county board is meeting the objectives and time line specified in the revised plan.

11.4. 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 West Virginia Board of Education for approval.

11.5. Nonapproval status shall be issued to a county board which fails to meet the criteria established by the West Virginia Board of Education.

**§126-13-12. Nonapproval Status.** A school system shall be designated as on nonapproval status when one or more of the following conditions exist:

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

12.2. 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.

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

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

12.5. 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

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an appropriate educational program; unhealthy or unsafe conditions for students and/or employees; failure to provide a high quality and equal educational opportunity for students, or deficiencies in leadership according to Section 5.12. (Policy 1340)

12.6. Whenever a county board has more than a casual deficit the county board shall submit a plan to the West Virginia Board of Education specifying strategies for eliminating the casual deficit. The West Virginia Board of Education 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.

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

12.6.2. 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 West Virginia Board of Education, is not made within six months of receipt of the recommendations, the West Virginia Board of Education 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.

12.6.3. 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 West Virginia Board of Education may intervene immediately in the operation of a county school system if the West Virginia Board of Education 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.

### **§126-13-13. On-Site Reviews.**

13.1. At the direction of the West Virginia Board of Education or by weighted, random selection by the Office of Education Performance Audits, an unannounced on-site

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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:

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

13.1.2. Documenting compliance with policies and laws.

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

13.1.4. Investigating official complaints submitted to the West Virginia Board of Education that allege serious impairments in the quality of education in schools or school systems.

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

13.2. 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.

13.3. 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.

13.4. 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.

13.5. 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.

13.6. 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

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improvements, a cost estimate and a date certain for achieving full accreditation and/or full approval status as applicable.

13.7. 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.

13.8. 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.

13.9. 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.

### **§126-13-14. Capacity Building.**

14.1. 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.

14.2.1. 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.

14.2.2. When the West Virginia Board of Education determines that schools and school systems do not have the capacity to correct deficiencies, the West Virginia Board of Education 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.

14.3. The West Virginia Board of Education 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

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assessment and accountability processes by the following:

14.3.1. 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;

14.3.2. 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;

14.3.3. 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;

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

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

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

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

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

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

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

14.3.11. 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.

14.3.12. Resource evaluation is a part of the education performance audit and will lead to recommendations regarding areas in which additional capacity is needed

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by the county school system or school. Corrective measures to be taken in response to any identified resource deficiencies will be subject to the feasibility of modifying existing facilities, availability of funding, and prioritization of educational needs.

**§126-13-15. Identification of Resource Needs.** A thorough and efficient system of schools requires the provision of an adequate level of appropriately managed resources. The West Virginia Board of Education hereby adopts resource evaluation as a part of the accreditation and evaluation process. This process will meaningfully evaluate the needs for facilities, personnel, curriculum, equipment and materials in each of the county's schools and how those impact program and student performance.

15.1. Facilities, equipment, and materials. Facilities and equipment specified in Policy 6200, Chapters 1 through 14, are available in all schools, classrooms, and other required areas. The Education Performance Audit Teams shall utilize an assessment instrument for the evaluation of school facilities which follows generally the requirements of Policy 6200. 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, consideration of alternative methods of instructional delivery, availability of funding, and prioritization of educational needs through Comprehensive Educational Facilities Plans and the West Virginia School Building Authority. This policy does not change the authority, judgment, or priorities of the School Building Authority who is statutorily responsible for prioritizing "Need" for the purpose of funding school improvements or school construction in the State of West Virginia or the prerogative of the Legislature in providing resources. (Policy 6200 and Tomblin v. Gainer)

15.1.1. School location. School location and site generally meet minimum standards. (Policy 6200 §202-206)

15.1.2. Administrative and service facilities. Administrative and service facilities are generally adequate. (Policy 6200 §§301.01-.03)

15.1.3. Teachers' workroom. The teachers' workroom is adequate. (Policy 6200 §301.04.)

15.1.4. Counselor's office. The counselor's office is adequate. (Policy 6200 §301.10)

15.1.5. Library/media and technology center. The library/media and technology center meets standards. (Policy 6200 §§303; 413; 514)

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15.1.6. Grades 9 through 12 computer laboratory. The grades 9 through 12 computer laboratory is adequate in facility, equipment, and materials. (Policy 6200 §615)

15.1.7. K classrooms. Each kindergarten classroom has sufficient space, equipment, and materials. (Policy 6200 §§402.01; 402.05)

15.1.8. Grades 1-12 classrooms. Each classroom has sufficient space, equipment and materials. (Policy 6200 §§403; 502; 602)

15.1.9. Grades K-12 remedial. Each remedial instructional area has sufficient space, equipment and materials. (Policy 6200 §§404; 503; 603)

15.1.10. Specialized instructional areas. Each art, music, and physical education area has sufficient space, equipment and materials. (Policy 6200 §§410; 412, 504; 509; 510; 604; 608; 609)

15.1.11. Grades 6-12 science facilities. Each specialized instructional area in science has sufficient space, equipment and materials. (Policy 6200 §§511; 610)

15.1.12. Grades 7-12 auditorium/stage. Auditorium/stage facilities are adequate. (Policy 6200 §§519; 616)

15.1.13. Grades 7-12 school site vocational. Main school site vocational space is available for business education and informational technology and other appropriate courses to meet curriculum needs. (Policy 6200 §§611; 613)

15.1.14. Food service. Food service areas are adequate. (Policy 6200 §§302; 617)

15.1.15 Health service units. Health service units are adequate. (Policy 6200 §301)

15.1.16. Grades 7-12 vocational. Vocational equipment and materials in each curriculum area are adequate to meet curriculum needs. (Policy 6200 §§801-809)

15.2. 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)

15.2.1. School personnel. Adequate administrative, instructional, support,

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and service personnel are provided to deliver the programs of study and services that meet West Virginia Code and West Virginia Board of Education policies. (Policy 2320; Policy 2510; Policy 2520; et al.)

4/13/01/2:00 PM

**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  OTHER (SPECIFY)  
 INCOME ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET  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	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ ALTERATIONS EQUIPMENT OTHER	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2. ESTIMATED TOTAL REVENUES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

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

No fiscal resources are necessary to implement the proposed changes.

DATE  
4/13/01

AGENCY  
West Virginia Board of Education  
Office of Education Performance Audits

AUTHORIZED REPRESENTATIVE  
*Janina P. Seal*



**§126-13-5. - High Quality Standards.**  
**5.5. - Facilities.**

**§126-13-5. - High Quality Standards.**  
**5.8.1. - School Personnel.**

**§126-13-5A. - Pilot High Quality Standards.**

**§126-13-14. - Capacity Building.**  
**14.3.12.**

**§126-13-15. - Identification of Resource Needs.**

**Please submit comments by May 15, 2001 to:**

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

**FAX: (304) 558-2405**