

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: WV Code 18-2E-5

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 13 (Policy 2320)

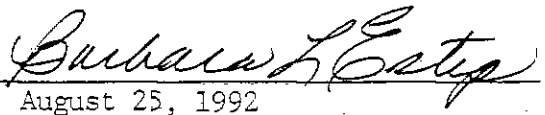
TITLE OF RULE BEING AMENDED: Performance Based Accreditation System:

High Quality Standards, Annual Performance Measures, Annual
Improvement Plan, on-Site Review

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

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS September 26, 1992


August 25, 1992

FISCAL NOTE WORKSHEET

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

SUBJECT §18-2E-5 School Accreditation FUND _____

SOURCE OF REVENUE: GENERAL SPECIAL OTHER (SPECIFY) _____

COST 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 AND ITEM 3 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			\$ 225,000	\$ 236,250	\$ 250,000
PERSONAL SERVICES			-0-	-0-	-0-
CURRENT EXPENSES			\$ 225,000	\$ 236,250	\$ 250,000
REPAIRS AND ALTERATIONS			-0-	-0-	-0-
EQUIPMENT			-0-	-0-	-0-
OTHER			-0-	-0-	-0-
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

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

Current

The approved funds provide for the operation of the Performance Based Accreditation System required by the Education Reform Legislation and revised by H.B. 2467. The funds are used for:

- on-site review team members expenses
- follow-up reviews and mini reviews
- improvement consultants appointed to seriously impaired schools
- team member training
- inservices and assistance to school districts and schools
- annual improvement plans
- meetings/conferences
- staff travel
- professional development

Next

\$236,250 = 5% inflation adjustment

NO ADDITIONAL FUNDING REQUESTED. Continued funding part of current department request.

Thereafter

\$250,000 = 5% inflation adjustment

IMPACTS
EDUCATIONAL:

The educational impact will be related to the involvement of the school governing bodies in assessing the needs of the school based on the annual improvement plan and incorporating strategies to improve identified areas.

IMPACTS
FISCAL:

NONE

STATE STAFF:

One director; one coordinator, one half-time coordinator of data management, one Secretary III, and one half-time Secretary II. All are responsible for the school/school district accreditation process.

DATE

4-17-92

AGENCY

West Virginia Department of Education

AUTHORIZED REPRESENTATIVE

Donna Edwards, Director

5537f

RECEIVED

TITLE 126
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 18-2E-5
SERIES 13
POLICY 2320

Title: Performance Based Accreditation System: High Quality Standards, Annual Performance Measures, Annual Improvement Plan, On-Site Review

Section 1. General

- 1.1 Scope - These rules establish the high quality educational standards and annual performance measures that when met by county school districts will provide assurances that a thorough and efficient system of education is being provided for all West Virginia public school students on an equal educational opportunity basis.
- 1.2 Authority - §18-2E-5
- 1.3 Filing Date - August 26, 1992
- 1.4 Effective Date - September 26, 1992
- 1.5 Revision of current rule.
- 1.6 Listing of Sections

- Section 1. General
- Section 2. High Quality Standards
- Section 3. Annual Performance Measures
- Section 4. School District Annual Improvement Plan Process
- Section 5. School Accreditation Status
- Section 6. Serious Impairment
- Section 7. School District Approval
- Section 8. On-Site Reviews
- Section 9. Selection of School Districts and Schools for On-Site Reviews

Section 2. High Quality Standards

The West Virginia Board of Education hereby adopts educational standards in the following areas: curriculum, finance, transportation, special education and other programs, facilities, administrative practices and school community relations, training of school district board members and administrators, personnel qualifications, professional development and evaluation, and student and school performance.

Section 2.1 Curriculum

Programs are arranged so that curriculum, instructional practices, and program materials ensure all students equal educational opportunity to acquire the knowledge and skills to succeed in a competitive changing society; students perform at appropriate developmental levels; and students not performing at appropriate developmental levels are provided remediation services. The standards established in the area of curriculum shall assure that all graduates are prepared for the world of work or for continuing post-secondary education and training.

A. Qualitative Standards

- 2.1.1 The mission and goals of the school provide direction for program planning. (Policy 2320)
- 2.1.2 The curriculum reflects the shared commitment of the faculty and the community. (Policy 2320)
- 2.1.3 Instruction is consistent with the school mission. (Policy 5311)
- 2.1.4 Curriculum and instructional practices reflect high expectations for all students. (Policy 2320)
- 2.1.5 School administrators and teachers foster a climate conducive to learning. (Policy 5311)
- 2.1.6 Knowledge, skills, and attitudes required for effective written and oral communication, listening, reading, mathematical computation, problem solving and critical thinking in all content areas are developed in students. (Policy 2100)
- 2.1.7 Knowledge, skills and attitudes required for understanding world geography, government, social and economic systems and their development are developed in students so they are able to make informed choices. (Policy 2100)

Section 2.1 — Curriculum

- 2.1.8 Knowledge, skills and attitudes required for applying science and technology in rational decision making and creative problem solving to function successfully in a highly technological society are developed in students. (Policy 2100)
- 2.1.9 Knowledge, skills and attitudes required for retrieving, receiving and utilizing information for the benefit of the individual and society are developed in students. (Policy 2100)
- 2.1.10 Knowledge, skills and attitudes required for developing positive self-esteem are developed in students. (Policy 2100)
- 2.1.11 Knowledge, skills and attitudes required for promoting health, safety and physical fitness and recreation necessary for an active mind and body are developed in students. (Policy 2100)
- 2.1.12 Knowledge, skills and attitudes required for understanding of and participating in the creative, visual and performing arts to enrich the quality of life are developed in students. (Policy 2100)
- 2.1.13 Knowledge, skills and attitudes required for understanding one's culture and heritage are developed in students. (Policy 2100)
- 2.1.14 — Knowledge, skills and attitudes required for functioning successfully in advanced academic and/or continuing post-secondary education and training or preparation for gainful employment are developed in students. (Policy 2100)
- 2.1.15 — Knowledge, skills and attitudes required for developing basic values and ethical principles and applying them to life are developed in students. (Policy 2100)

B. Quantitative Standards

- 2.1.16 — A school curriculum team is required and functioning in grades K-4 to establish the programs and methods for implementing a curriculum. (§18-5A-6)
- 2.1.17 Program guides, curricular materials, resources and learning activities reflect instructional goals and are consistent with student developmental levels and achievement. (Policy 2510)
- 2.1.18 Instruction is consistent with programmatic definitions and Criteria of Excellence: Instructional Goals and Objectives for General, Vocational and Special Education Programs. (Policy 2510; Policy 2520; Policy 2530; Policy 2540; Policy 2550)

Section 2.1

Curriculum

- 2.1.19 Instructional priority is given to teaching and student engaged time on task. (Policy 5311)
- 2.1.20 Students have regular access to library/educational technology centers or classroom libraries. (Policy 2320)
- 2.1.21 Sufficient numbers of approved up-to-date textbooks, program materials and other resources are available to deliver curricular content. (Policy 2445.40; Policy 2445.51)
- 2.1.22 Compensatory and/or remedial services are available to students. (§18-2E-3; Policy 2522)
- 2.1.23 Required in grades K-4 are: art, health, language arts, mathematics, music, physical education, reading, science, bus/school safety and social studies. (Policy 2413; Policy 2422.91; Policy 2510; Policy 4335; Policy 4336)
- 2.1.24 Required in grades 5-8 are: art, health, language arts, mathematics, music, physical education, reading, developmental reading, science, social studies, library/media and developmental guidance. (Policy 2510; Policy 2520)
- 2.1.25 Choral music and instrumental music are available as electives in grades 6-8. (Policy 2510)
- 2.1.26 Required in grades 9-12 are: health (1 unit), English-language arts (4 units) (or English [3 1/2 units] and speech [1/2 unit]), mathematics (2 units), physical education (1 unit), biology (1 unit), science (1 unit), social studies (3 units) and applied arts, or fine or performing arts or foreign language (1 unit). (Policy 2444.01; Policy 2510; Policy 2520)
- 2.1.27 Honors and advanced education programs are provided in grades 9-12. (§18-2E-3a; Policy 2560)
- 2.1.28 The following electives are available in grades 9-12: art (2 offerings), driver education (1/2 unit), one foreign language (levels I and II), language arts (2 offerings), mathematics (algebra I & II, geometry, trigonometry, general mathematics, and applied mathematics [one offering]), music (instrumental [winds and percussion] and choral), science (general/physical science, chemistry and physics), social studies (one offering), and keyboarding (one offering). Other electives such as calculus, geography and additional social studies electives are offered. (Policy 2444.01; Policy 2510)

Section 2.1 Curriculum

2.1.29 The following electives are available in vocational education in grades 9-12: Consumer and Homemaking (STEPS), Adult Roles and Functions, Parenting Education and offerings from four service areas. (Policy 2510; Policy 2530.02)

2.1.30 Instructional time allocations are as follows: 158 minutes, 180 days for kindergarten; 315 minutes, 180 days for grades 1-4; 330 minutes, 180 days for grades 5-8 and 345 minutes, 180 days for grades 9-12. (Policy 2510)

Section 2.2 Finance

Resource allocations are made that assure all students are provided equal educational opportunities through qualified personnel; safe, efficient and adequate facilities and transportation services; and adequate instructional materials, supplies and equipment.

A. Qualitative Standards

2.2.1 The school district's fiscal decisions are consistent with its mission and goals. (Policy 2320)

B. Quantitative Standards

2.2.2 The school district's accounting practices are consistent with state policies and procedures. (§18-9B-10,11; §18-4-10; Policy 8100)

2.2.3 Individual school accounting practices are consistent with state policies and procedures. (Policy 1224.1; Policy 2320; Policy 8100)

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

Section 2.3 Transportation

Adequate transportation services are provided in a safe and efficient manner to assure that all students are provided the opportunity for an equal education.

A. Qualitative Standards

2.3.1 The school district provides safe transportation and special transportation services for eligible students. (Policy 2419; Policy 4334; Policy 4335)

Section 2.3 Transportation

B. Quantitative Standards

- 2.3.2 Transportation is provided so that students receive the full instructional time allocations. (Policy 2419; Policy 2510)

Section 2.4 Special Education and Other Programs

Special education and other programs are provided that meet the educational needs of students through comparable programs of study, support programs, personnel, facilities, instructional materials and equipment.

A. Qualitative Standards

- 2.4.1 Special education and other programs have adequate space and are appropriately located to meet the needs of the students. (Policy 2320)

B. Quantitative Standards

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

Section 2.5 Facilities

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

A. Qualitative Standards

- 2.5.1 Facilities provide an environment conducive to learning. (Policy 5311; Policy 6200)

B. Quantitative Standards

- 2.5.2 Fire marshal, Board of Risk and health department citations have been corrected or a plan exists for correction. (§29-3-5; §18-10F-1 to 5; §29-12-5a; §18-3-9a)
- 2.5.3 Buildings, grounds, furnishings and equipment are free from observable safety hazards. (§18-5-9; Policy 6200)
- 2.5.4 Buildings, grounds, furnishings, programs and equipment are accessible to handicapped students. (§18-10F-3; Section 504, Rehabilitation Act)

Section 2.6 Administrative Practices and School-Community Relations

School administrators, communities and local businesses develop collaborative partnerships that support teaching and learning to ensure that schools are centers for lifelong learning.

Section 2.6 Administrative Practices and School-Community Relations

A. Qualitative Standards

- 2.6.1 The administrative leader ensures that formal and informal mechanisms exist for communication within the school district, the school and the community. (Policy 2320; Policy 5312)
- 2.6.2 The school district board of education considers recommendations from the local school improvement councils in decision making. (§18-5A-2)
- 2.6.3 Community resources are utilized to enrich the school program. (Policy 2320)
- 2.6.4 Staff members provide parents with information and techniques, when appropriate, for helping students learn. (Policy 5312)
- 2.6.5 Health services are provided to all students to maximize learning potential. (§16-3-4, 4a; §18-5-17; §18-5-22)
- 2.6.6 The school and county report cards are disseminated so parents, teachers, administrators and the community are aware of the quality of public education. (§18-2E-4)
- 2.6.7 Media representatives are notified of school district and school activities. (Policy 2320)
- 2.6.8 Decisions by teachers, principals and administrators are based upon current student data. (Policy 2320)
- 2.6.9 School district and school programs involve members of the community and/or businesses as active partners in the education process. (Policy 2320)

B. Quantitative Standards

- 2.6.10 The school provides meals which meet or exceed the minimum standards established by federal regulations and state board policies. (P.L. 95-166; 7CFR 210, 220; §18-5-37; Policy 4320)
- 2.6.11 A local school improvement council is established and functioning at the school. (§18-5A-2)
- 2.6.12 A faculty senate which is comprised of all permanent, full-time professional educators employed at the school is established at the school. (§18-5A-5)
- 2.6.13 The county implements a policy governing disciplinary procedures, policies governing student due process rights and nondiscrimination, and an approved substance abuse policy. (§18-8-8; §18A-5-1, 1a; Policy 4370; Policy 2320; Policy 2422.5)

Section 2.6 Administrative Practices and School-Community Relations

- 2.6.14 The school district and school implements the code of conduct for students and the code of conduct for employees. ~~(effective---upon---adoption---by---WV---Board---of---Education)~~ (§18-2E-5; Policy 4373; Policy 5902)
- 2.6.15 Teachers are provided a duty-free planning period that is the length of the usual class period and is not less than thirty minutes. (§18A-4-14)
- 2.6.16 Teachers and service personnel are provided a duty-free lunch period. (§18A-4-14)
- 2.6.17 Test security measures are in place for mandated statewide testing. (Policy 2340)
- 2.6.18 All enrolled students are included in the State-County Testing Program and the West Virginia Statewide Testing of Educational Progress, except special education students whose individualized education plan specifies that the student shall be excluded from the statewide testing program. (Policy 2340; Policy 2419; §18-2E-2)
- 2.6.19 The percent of students failing to meet state score standards on the WV-STEP in each grade tested is communicated to parents. (§18-2E-2; §18-2E-3)
- 2.6.20 The school district develops a mission statement and long-range goals which are aligned with state goals, and its programs are designed to implement the goals. (Policy 2320)
- 2.6.21 A certificate of proficiency is issued to each graduating senior. (Policy 2444.2)
- 2.6.22 A skills improvement class is available for all grade 9 and 11 students scoring below the county determined level of proficiency on the state's standardized test. (Policy 2444.2) ~~(effective-school-year-1992-93)~~
- 2.6.23 All graduating seniors who have attained the required level of proficiency must have a warranty symbol attached to the certificate of proficiency. (Policy 2444.2) (effective school year 1994-95)

Section 2.7 Training School District Board Members and Administrators

Training programs for school district board members and administrators support the educational process to assure that they are provided activities related to managerial and instructional leadership.

Section 2.7 Training School District Board Members and Administrators

A. Qualitative Standards

2.7.1 Training is designed to enhance board members' and administrators' leadership and support of the educational process and emphasize current educational research, philosophy and methodology. (Policy 2320; Policy 5312)

B. Quantitative Standards

2.7.2 Members of a school district board of education whose terms of office commence after May 8, 1990, except for persons elected or appointed to fill terms that expire on midnight June 30, 1990, receive a minimum of seven hours of training annually in appropriate areas of board membership to include effective board service, effective personnel relations/development, policy development, school finance, curriculum and instruction programs, school law and effective community relations. (§18-2E-4; §18-2E-5; §18-5-1a)

2.7.3 Members of a school district board of education elected after July 1, 1990, shall attend and complete a course of orientation relating to board membership and governance. (§18-5-1a)

2.7.4 Training is provided by the West Virginia School Boards Association or other organizations approved by the state board of education whose program or programs satisfy high quality training standards. (Policy 2320)

2.7.5 School district administrators participate in at least seven hours of professional development annually to include activities related to both managerial and instructional leadership skills. (Policy 2320)

Section 2.8 Personnel Qualifications

Qualified personnel are employed to provide equal educational opportunities for all students; assure student academic performance; and contribute to school success.

A. Qualitative Standards

2.8.1 Staff maintain and upgrade their skills. (Policy 5311)

2.8.2 Staff maintain professional work habits. (Policy 5311)

B. Quantitative Standards

2.8.3 Professional educators have a license for the subjects they teach or the positions they hold. (§18A-3-1)

2.8.4 Service personnel meet minimum qualifications for their classifications. (§18A-4-8)

Section 2.9 Professional Development and Evaluation

School personnel improve their knowledge and skills to help ensure that each student succeeds.

A. Qualitative Standards

- 2.9.1 Professional development activities are designed to meet identified needs of professional and service personnel. (Policy 5500)
- 2.9.2 The evaluation system for school personnel is designed to provide for personnel competency, professional growth and development of teachers; to enhance classroom performance and to serve as a basis for employment decisions. (Policy 5310)
- 2.9.3 Excellence in teaching is acknowledged through a recognition process which enhances professional performance. (Policy 2320)

B. Quantitative Standards

- 2.9.4 The administrative leader provides opportunities for job-related professional development programs that enhance staff expertise, include an evaluation component and offer appropriate follow-up activities. Regional Education Service Agencies may provide the training. (Policy 2320)
- 2.9.5 The school or school district develops and implements a beginning educator induction program. (Policy 5900)
- 2.9.6 Professional and service personnel are observed regularly and evaluated in accordance with state and county policies and the evaluation is properly filed in the personnel files. (Policy 5310-15)

Section 2.10 Student and School Performance

The school's program assures that students are taught at developmentally appropriate levels; provided the opportunity to advance to their potential; and will graduate with the knowledge and skills needed to succeed in a competitive, changing society.

A. Qualitative Standards

- 2.10.1 School rules and procedures are written and clearly communicated to students, parents and staff. (Policy 2510)
- 2.10.2 A school improvement process is established and implemented. (Policy 2510)
- 2.10.3 Individual differences are respected so that each student feels valued. (Policy 2320)
- 2.10.4 Staff believe that all students can learn and develop multiple strategies for teaching them. (Policy 5311)

Section 2.10 Student and School Performance

2.10.5 Staff exhibit high expectations for each student. (Policy 5311)

B. Quantitative Standards

- 2.10.6 School personnel assess students' progress toward mastering subject content and develop strategies for reteaching as well as for correcting and remediating deficiencies. (Policy 2510; Policy 5311)
- 2.10.7 School counselors assist students through individual or group counseling, developmental guidance, academic planning and career counseling. (§18-5-18b)
- 2.10.8 Four year education plans are prepared and on file for students ~~grades 9-12-(grade 9-effective-1990-91,-grades 9-and-10 effective-1991-92,-~~ grades 9-11 effective 1992-93 and grades 9-12 effective 1993-94). (§18-2E-3b; Policy 2443)
- 2.10.9 All students have equal educational opportunities. (Policy 2320)
- 2.10.10 Lesson plans are prepared in advance and the administrative leader or designee reviews and comments on them at least once each semester. (Policy 2320; Policy 2510)
- 2.10.11 The administrative leader or designee visits classrooms and gives feedback at least once each semester to teachers regarding their instructional techniques. (Policy 2320)
- 2.10.12 Summaries of student performance are developed, item-analyzed and reviewed over time to check for trends. The summaries are utilized to plan curricular and instructional modifications. (Policy 2320)
- 2.10.13 Students at risk are identified and receive sustained intervention services. (Policy 2320)

Section 3. Annual Performance Measures

Each school is expected to meet performance measures in the following areas: student performance by grade level in the various subjects tested under the Statewide Testing of Educational Progress program; school attendance rate; student dropout rate; the percent of students promoted to next grade and the number of waivers of the promotion standard granted; the graduation rate; average class size; pupil-teacher ratio; number of exceptions to pupil-teacher ratio requested by the county board and the number of exceptions granted; the number of split-grade classrooms; pupil-administrator ratio; and the operating expenditure per pupil. Student performance, school attendance, student dropout rate and graduation rate are weighted more heavily than the other performance measures.

Section 3. Annual Performance Measures

- 3.1 The student performance is evaluated in the various curricular areas by grade level tested under the statewide testing program. State-County Testing Program results will be reviewed for the past most recent three (3) years for which data are available. Scores by grade level in Total Basic Skills will be at or above the 50th percentile, ~~based-upon-the-ETBS-U-te~~ ~~ETBS-4-equating-tables,~~ in either two (2) of the three (3) years or the current most recent year for which data are available. ~~---except~~ This measure will not apply in cases where the test is administered in the first months students attend the school i.e., ninth grade scores would not be used in a 9-12 school. (§18-2E-5)
- 3.2 Student attendance data will be reviewed for the most recent three (3) years for which data are available. The School student attendance rate is at or above ninety percent (90%) in either two (2) of the three (3) years or the most recent year for which data are available. (§18-2E-5; §18-8-1)
- 3.3 Student dropout data will be reviewed for the most recent three (3) years for which data are available. The Student dropout rate is at or below seventeen percent (17%) in either two (2) of the three (3) years or the most recent year for which data are available. (§18-2E-5)
- 3.4 Graduation data will be reviewed for the most recent three (3) years for which data are available. The Graduation rate is at or above eighty-three percent (83%) in either two (2) of the three (3) years or the most recent year for which data are available. (effective January 1, 1994) (§18-2E-5)
- 3.5 Students are promoted to the next grade at or above ninety-two percent (92%) in grades K-8. (effective January 1, 1994) (§18-2E-5)
- 3.6 No more than five percent (5%) waivers of the promotion standard are granted in grades K-8. (effective January 1, 1994) (§18-2E-5)
- 3.7 An average class size is 20 or less in kindergarten and 25 or less in grades 1 through 6, excluding special education classes, chorus, band and orchestra. (§18-5-18a)
- 3.8 The pupil teacher ratio shall be no more than 23 pupils per teacher in kindergarten and 28 pupils per teacher in grades one through six. 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 kindergarten through six. (§18-5-18a)
- 3.9 The number of split-grade classrooms shall not exceed the number that existed as of January 1, 1983. (§18-5-18a)

Section 3. Annual Performance Measures

- 3.10 All schools must be served by a certified principal. There is a full time certified principal at each school with a net enrollment that equals or exceeds four hundred students and no principal is assigned more than two schools. (§18A-2-9)
- 3.11 Average operating expenditures per pupil are at or above \$2,800. (§18-2E-5)
- 3.12 The percentage of graduating students entering post-secondary education or training shows an ~~trend-~~
~~toward~~ increasing trend during the most recent three years, unless the percentage is already at or above fifty percent (50%).
(~~effective-July-17-1992~~) (§18-2E-5)
- 3.13 The level of parent involvement shows an increasing trend during the most recent three years. ~~increases over the previous year.~~ (~~effective-July-17-1992~~) (§18-2E-5)
- 3.14 The average combined percentage of parent, teacher, and student satisfaction with the school is at or above sixty percent (60%). (~~effective-July-17-1992~~) (§18-2E-5)

Section 4. School District Annual Improvement Plan Process

- 4.1 Each school district submits an annual improvement plan to the West Virginia Department of Education by June 30 each year. This plan is based on locally identified needs which include individual school performance data and both qualitative and quantitative assessment of school and district compliance with high quality standards.
- 4.2 The school performance level is applied to the school population as a whole.
- 4.3 The annual improvement plan is a self-assessment of a school district and individual school's compliance with the high quality educational standards and performance measures established by the West Virginia Board of Education. It serves to indicate the district's and individual school's intent to comply with the high quality standards and annual performance measures.
- 4.3 4 If performance and high quality standards are not met, the plan must include a section describing how and when compliance will be attained.
- 4.4 5 The format of the district plan is in accord with directions provided by the state superintendent of schools and the mission statement of the state board.

Section 4. School District Annual Improvement Plan Process

- 4.5 6 The school district annual improvement plan is reviewed by the West Virginia Department of Education whose staff recommends to the state superintendent of schools and the West Virginia Board of Education an approval status for the school district and an accreditation status for each school within the district. The status is determined by the annual performance measures and the results of an on-site review, if applicable.

Section 5. School Accreditation Status

- 5.1 The information submitted for each school shall be reviewed annually by the department of education staff and every school shall be issued one of the following: (1) full accreditation status, (2) probationary accreditation status or (3) serious impairment.
- 5.2 Full accreditation status shall be issued to a school when the measure of the school's student and school performance is at a level which meets the high quality educational standards in §18-2E-5(b) and the annual performance measures in §18-2E-5(c). The school and school district must also meet the high quality standards in finance, transportation, special education and other programs, and facilities. If the high quality standards are not met in these areas, the school district must submit an improvement plan to correct the deficiencies. Failure to meet the time lines in the improvement plan shall result in probationary status for the school and school district.
- 5.3 Probationary accreditation status shall be issued to a school when the measure of the school's performance is below established standards and performance measures.
- 5.4 Whenever a school is issued probationary accreditation status, the district board shall implement an improvement plan which is designed to increase the performance of the school to a full accreditation status level within one year. The plan shall include objectives, a time line and cost estimates for achieving full accreditation status. If an acceptable plan is presented to the West Virginia Department of Education, the district shall have twelve (12) calendar months to implement the improvement plan for compliance.
- 5.5 If the improvement plan submitted to the West Virginia Department of Education is not acceptable, the state superintendent may return the school district plan for modification or has discretion to modify the plan in consultation with the school district and accept the plan as modified. In either case the final plan must be acceptable to the state superintendent.

Section 5. School Accreditation Status

- 5.6 Serious impairment status shall be issued to a school when the measure of the school's performance is below the established performance measures or the state superintendent and the West Virginia Board of Education may determine a school to be seriously impaired when extraordinary circumstances exist.

Section 6. Serious Impairment

A school shall be considered to be seriously impaired by the state superintendent and the West Virginia Board of Education when one or more of the following conditions exist:

- 6.1 The student performance is evaluated in the various curricular areas by grade level tested under the statewide testing program. State-County Testing Program results will be reviewed for the past most recent three (3) years for which data are available. Scores by grade level in Total Basic Skills, based upon the CTBS U to CTBS 4 equating tables, that are at or below the 30th percentile in the current most recent year for which data are available and one of the two (2) preceding years result in a school being determined as seriously impaired, except This measure will not apply in cases where the test is administered in the first months students attend the school i.e., ninth grade scores would not be used in a 9-12 school. (§18-2E-5)
- 6.2 Student attendance data will be reviewed for the most recent three (3) years for which data are available. A The student attendance rate is at or below eighty percent (80%) in the most recent year for which data are available and one of the two (2) preceding years results in a school being determined as seriously impaired. (§18-2E-5; §18-8-1)
- 6.3 Student dropout data will be reviewed for the most recent three (3) years for which data are available. A The student dropout rate is at or above twenty-five percent (25%) in the most recent year for which data are available and one of the two (2) preceding years results in a school being determined as seriously impaired. (§18-2E-5)
- 6.4 Graduation data will be reviewed for the most recent three (3) years for which data are available. A The graduation rate is at or below seventy-five percent (75%) in the most recent year for which data are available and one of the two (2) preceding years results in a school being determined as seriously impaired. (effective January 1, 1994) (§18-2E-5)
- 6.5 The state superintendent and 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 may include the following: failure

Section 6. Serious Impairment

of a school issued probationary status to improve its status; physical or other abuse of students; high student retention rate; inappropriate suspensions and/or expulsions; misappropriation of funds; misuse of public funds; falsification of reports and/or failure to submit required reports; violation of State Code and state board policies which 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.

- 6.5.1 When a school is seriously impaired, the state superintendent, with the approval of the state board, shall appoint a team of three improvement consultants to make recommendations within sixty days for correction of the impairment.
- 6.5.2 Upon approval of the recommendations by the state board, the recommendations shall be made to the district board of education in writing. If progress in correcting the impairment is not made within six months of receipt of the recommendations, the state superintendent shall provide consultation and assistance to the district board to (1) improve personnel management, (2) establish more efficient financial management practices, (3) improve instructional programs and policies or (4) make such other improvements as may be necessary to correct the impairment.
- 6.5.3 If the school's impairment is not corrected within one year of receipt of the recommendations, the district shall be issued nonapproval status.
- 6.5.4 Whenever a school is issued probationary status or 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.

Section 7. School District Approval

- 7.1 A district board of education receives an approval status upon recommendation by the department of education staff to the state superintendent of schools and the state board of education. The state board of education shall issue one of the following accreditation levels to each school district board of education: (1) full approval, (2) conditional approval, (3) probationary approval or (4) nonapproval.
- 7.2 Full approval shall be issued to a district board whose educational system meets or exceeds all of the high quality educational standards adopted by the state board of education and whose schools were issued full accreditation status. Full approval is for a period not to exceed four years.

Section 7. School District Approval

- 7.3 Conditional approval shall be issued to a district board of education whose educational system meets at least ninety-five percent (95%) of the high quality standards and in which at least ninety percent (90%) of the schools have been issued full accreditation status provided no school is seriously impaired. Counties that have fewer than ten (10) schools may be granted conditional approval status without regard to the ninety percent rule, based on the total quality of the county educational program. To be eligible for conditional approval status, counties with fewer than ten (10) schools shall have no more than one (1) school on probationary accreditation status and no school shall be seriously impaired. Conditional approval is for a period not to exceed one year.
- 7.4 Probationary approval shall be issued to a district board of education whose educational system has met fewer than ninety-five percent (95%) of the high quality standards or which has eleven percent (11%) or more schools issued probationary or serious impairment status.
- 7.5 If the high quality standards and annual performance measures are not met during the succeeding year, the district board shall be automatically issued nonapproval. Nonapproval is also issued to a district board of education which fails to submit an annual improvement plan or fails to demonstrate a reasonable effort to meet the high quality standards. A reasonable effort is defined as meeting the objectives and time lines specified in the improvement plan.
- 7.6 The state superintendent and the West Virginia Board of Education may determine a school district to be on nonapproval status when extraordinary circumstances exist. Extraordinary circumstances are conditions that constitute major impediments to the provision of educational programs and services for students. Extraordinary circumstances may include: misappropriation of funds; misuse of funds; a casual deficit for two (2) or more years; a budget deficit above three (3) percent for any one year; falsification of reports and/or failure to submit required reports; violation of State Code and state board policies which 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.
- 7.7 Whenever nonapproval status is issued to a district, the state board of education shall declare a state of emergency in the district by written notification and may intervene in the operation of the district.

Section 7. School District Approval

- 7.8 Nonapproval and intervention are not required if probationary or seriously impaired status schools improve the level of performance thirty-three percent (33%) or more of the difference between current performance and performance for full approval during the succeeding year. Deferral of intervention in districts with probationary or seriously impaired status schools may be continued for a maximum of three (3) years.
- 7.9 The state board may intervene in the operation of the district to: (1) limit the authority of the district superintendent and district board of education 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 state board rule; (2) take such direct action as may be necessary to correct the impairment; and (3) declare that the office of the district superintendent is vacant.

Section 8. On-Site Reviews

- 8.1 To assist the state board of education in determination of the accreditation status of schools and the approval status of school districts, the state board shall appoint an educational standards compliance review team to make on-site reviews of the educational programs in any school or school district in the state to assess compliance of the school or district with the high quality educational standards adopted by the state board.
- 8.2 High quality educational standards including curriculum, facilities, administrative procedures, transportation, food services, and an audit of all matters relating to school finance, budgeting and administration will be reviewed.
- 8.3 The teams also verify measures of performance and other areas as deemed necessary.
- 8.4 The teams shall be composed of not more than ten persons, not more than half of whom may be members of or currently employed by the state board of education, who possess the necessary knowledge, skills and experience to make an accurate assessment of such educational programs. The team shall be chaired by a member of the department of education staff.
- 8.5 The educational standards compliance teams shall report the findings of its on-site reviews to the state board of education for inclusion in the determination of a school's or district's accreditation or approval status as applicable. The state board of education encourages the sharing of information to improve school effectiveness among the districts and Regional Educational Service Agencies.

Section 8. On-Site Reviews

- 8.6 If during an on-site review, a school or school district is found to be in noncompliance with one or more standards, a written plan for compliance shall be submitted to the West Virginia Department of Education within thirty (30) days of receipt of the draft written report. The plan shall include objectives, a time line and cost estimates for achieving full accreditation status.
- 8.7 If an acceptable plan is presented to the West Virginia Department of Education, the district has twelve (12) calendar months to implement the plan for compliance. During that time, a school or school district may request that appropriate department staff return to the district to verify its completion of the plan for compliance. If compliance is verified, a recommendation shall be made to the West Virginia Board of Education, through the state superintendent of schools, to change the recognition status of the school district.
- 8.8 If the plan submitted to the West Virginia Department of Education is not acceptable, the state superintendent may return the school district plan for modification or has discretion to modify the plan in consultation with the school district and accept the plan as modified. In either case the final plan must be acceptable to the state superintendent.
- 8.9 Accreditation status information shall be made available to the legislature, the governor, the general public and to any individual who requests such information.
- 8.10 From time to time unannounced on-site reviews shall be conducted by the department of education staff at a school or school district office for purposes of verifying data reported by the school or school district office, documenting compliance with policies and laws, and/or investigating official complaints that allege the school or school district is in violation of policies and/or laws under which schools and school districts operate.

Section 9. Selection of School Districts and Schools for On-Site Reviews

- 9.1 School districts shall be selected by weighted random sample. Each district is weighted so that those with lower performance measures have a greater likelihood of having an on-site review and those which have not had an on-site review recently have a greater likelihood of being reviewed. Each school district will have an on-site review within a four year period.
- 9.2 At the direction of the state superintendent, an unannounced on-site review may be conducted at any school or school district.

The West Virginia Department of Education does not discriminate on the basis of sex, race, color, religion, handicapping condition, age and national origin in employment and in the administration of any of its education programs and activities. Inquiries may be directed to the Elimination of Sex Discrimination Program Coordinator, 348-7864; to the Section 504 Coordinator, 348-2696, WV Department of Education, Charleston, West Virginia, 25305; or to the U S Department of Education's Director of the Office for Civil Rights, 215-596-6795.

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SECRETARY OF STATE

APR 7 10 08 AM '93

FILED

TO: Barbara Fox

AGENCY: Board of Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: February 23, 1993

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 13 TITLE: 126 Board of Education

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* ✓ THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Barbara L. Fox

TITLE OF PERSON SIGNING: Exec. Sec. W/Bd of Edu.

DATE: April 5, 1993

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.