

**WEST VIRGINIA
SECRETARY OF STATE**

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ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF THE SECRETARY OF STATE

**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: W. Va. 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 February 19, 1991

Barbara L. Estep
January 7, 1991

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 education 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 opportunity basis.

1.2 Authority - 18-2E-5

1.3 Filing Date January 7, 1991

1.4 Effective Date February 19, 1991

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. (§2320)
- 2.1.2 The curriculum reflects the shared commitment of the faculty and the community and the emerging characteristics of the future. (§2320)
- 2.1.3 Instruction is consistent with the school mission. (§5311)
- 2.1.4 Curriculum and instructional practices reflect high expectations for all students. (§2320)
- 2.1.5 School administrators and teachers foster a climate conducive to learning. (§5311)
- 2.1.6 Knowledge, skills, and attitudes required for effective written and oral communication, reading, mathematical computation, problem solving and critical thinking in all content areas are developed in students. (§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. (§2100)
- 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. (§2100)

Section 2.1 Curriculum (Continued)

- 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. (§2100)
- 2.1.10 Knowledge, skills and attitudes required for developing positive self-esteem are developed in students. (§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. (§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. (§2100)
- 2.1.13 Knowledge, skills and attitudes required for understanding one's culture and heritage are developed in students. (§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. (§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. (§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. (§2510)
- 2.1.18 Instruction is consistent with programmatic definitions; Criteria of Excellence; Instructional Goals and Regulations for General, Vocational and Special Education Programs. (§2510; §2520; §2530; §2540; §2550)
- 2.1.19 Instructional priority is given to teaching and student engaged time on task. (§5311)
- 2.1.20 Students have regular access to library/educational technology centers or classroom libraries. (§2320)
- 2.1.21 Sufficient numbers of approved up-to-date textbooks, program materials and other resources are available to deliver curricular content. (§2445.40; §2445.51)

Section 2.1 Curriculum (Continued)

- 2.1.22 Compensatory and/or remedial services are available to students. (§18-2E-3; §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. (§2413; §2422.91; §2510; §4335; §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. (§2442.91; §2413; §2510)
- 2.1.25 Choral music and instrumental music are available as electives in grades 6-8. (§18-2-9; §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). (§2422.91; §2444.01; §2510)
- 2.1.27 Honors and advanced education programs are provided in grades 9-12. (§18-2E-3a; §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. (§2444.01; §2510; §2320)
- 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. (§2510; §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. (§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. (§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; §8100)
- 2.2.3 Individual school accounting practices are consistent with state policies and procedures. (§1224.1; §2320; §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. (§2419; §4334; §4335)

B. Quantitative Standards

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

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 to meet the needs of the students being served. (§2320)

Section 2.4 Special Education and Other Programs (Continued)

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. (§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. (§5311, §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; §18-3-9a)
- 2.5.3 Buildings, grounds, furnishings and equipment are free from observable safety hazards. (§18-5-9; §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.

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. (§2320; §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. (§2320)
- 2.6.4 Staff members provide parents with information and techniques, when appropriate, for helping students learn. (§5312)
- 2.6.5 Health services are provided to all students to maximize learning potential. (§16-3-4, 4a; §18-5-17)

Section 2.6 Administrative Practices and School-Community Relations
(Continued)

- 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. (§2320)
- 2.6.8 Decisions by teachers, principals and administrators are based upon current student data. (§2320)
- 2.6.9 School district and school programs involve members of the community and/or businesses as active partners in the education process. (§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; §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; §4370; §2320; §2422.5)
- 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; §4373)
- 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)

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
(Continued)

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. (§2320; §5312)

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 boardsmanship 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. (§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. (§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. (§5311)
- 2.8.2 Staff maintain professional work habits. (§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. (§5310)
- 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. (§5310)
- 2.9.3 Excellence in teaching is acknowledged through a recognition process which enhances professional performance. (§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. (§2320)
- 2.9.5 The school or school district develops and implements a beginning educator induction program. (§2510; §5900)
- 2.9.6 Professional and service personnel are observed regularly and evaluated in a timely fashion, and the evaluation is properly filed in the personnel files. (§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. (§2510)
- 2.10.2 A school improvement process is established and implemented. (§2510)
- 2.10.3 Individual differences are respected so that each student feels valued. (§2320)
- 2.10.4 Staff believe that all students can learn and develop multiple strategies for teaching them. (§5311)

Section 2.10 Student and School Performance (Continued)

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

B. Quantitative Standards

2.10.6 School personnel assess students' progress toward mastering subject content and develop strategies for correcting and remediating deficiencies. (§2510; §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-3a ;§2443)

2.10.9 All students have equal educational opportunities. (§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. (§2320; §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. (§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. (§2320)

2.10.13 Children at risk of academic failure are identified early and receive sustained intervention services. (§2320)

2.10.14 The school district develops long-range goals, and its programs are designed to implement the goals. (§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 (Continued)

- 3.1 The student performance is evaluated in the various curricular areas by grade level tested under the Statewide Testing of Educational Progress program and will be established when the test is developed. Until the WV STEP is developed, State-County Testing Program results will be reviewed for the past three (3) years. Scores by grade level in Total Basic Skills will be at or above the 50th percentile in either two (2) of the three (3) years or the current year, except 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 School attendance rate is at or above ninety percent (90%). (effective January 1, 1991) (§18-2E-5; §18-8-1)
- 3.3 Student dropout rate is at or below seventeen percent (17%). (effective January 1, 1991) (§18-2E-5)
- 3.4 Graduation rate is at or above eighty-three percent (83%). (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. (effective January 1, 1991) (§18-5-18a)
- 3.8 Exceptions to the pupil-teacher ratio law shall involve no more than 23 pupils per teacher in kindergarten and 28 pupils per teacher in grades one through six. The schoolwide pupil-teacher average shall not exceed 25 in grades one 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)
- 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. (effective January 1, 1991) (§18-2E-5)

Section 3. Annual Performance Measures (Continued)

- 3.12 The percentage of graduating students entering post-secondary education or training shows a trend toward increasing unless the percentage is already at or above fifty percent (50%). (effective July 1, 1992) (§18-2E-5)
- 3.13 The level of parent involvement increases over the previous year. (effective July 1, 1992) (§18-2E-5)
- 3.14 The combined percentage of parent, teacher, and student satisfaction with the school is at or above sixty percent (60%). (effective July 1, 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 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 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.
- 4.5 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.

Section 5. School Accreditation Status

- 5.1 The information submitted for each school is reviewed annually by the department of education and every school is issued one of the following: (1) full accreditation status, (2) probationary accreditation status or (3) serious impairment.
- 5.2 Full accreditation status is given 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

Section 5. School Accreditation Status (Continued)

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 is given to a school when the measure of the school's performance is below established standards and performance measures.
- 5.4 Whenever a school is given probationary accreditation status, the district board implements an improvement plan which is designed to increase the performance of the school to a full accreditation status level within one year. The plan includes 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(s) 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.
- 5.6 Serious impairment status is issued to a school when the measure of the school's performance is below the established performance measures.

Section 6 Serious Impairment

A school may 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 of Educational Progress program and will be established when the test is developed. Until the WV Step is developed, State-County Testing Program results will be reviewed for the past three (3) years. Scores by grade level in Total Basic Skills are at or below the 30th percentile in either two (2) of the three (3) years or the current year, except 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 The student attendance rate is at or below 80% in grades K-8. (effective January 1, 1991) (§18-2E-5; §18-8-1)

Section 6 Serious Impairment (Continued)

- 6.3 The student dropout rate is at or above 25%. (effective January 1, 1991) (§18-2E-5)
- 6.4 The graduation rate is at or below 75% (effective January 1, 1994) (§18-2E-5)
- 6.5 The state superintendent and the West Virginia State Board of Education may determine a school to be seriously impaired when extraordinary circumstances exist.
 - 6.5.1 When a school is seriously impaired, the state superintendent, with the approval of the state board, appoints 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 are 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 provides 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 is given nonapproval status.
 - 6.5.4 Whenever a school is given 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 to the state superintendent of schools and the state board of education. The state board of education issues one of the following accreditation levels to each school district board of education: (1) full approval, (2) probationary approval or (3) nonapproval.
- 7.2 Full approval is given to a district board whose educational system meets or exceeds all of the high quality standards adopted by the state board of education and whose schools were given full accreditation status. Full approval is for a period not to exceed four years.

Section 7. School District Approval (Continued)

- 7.3 Probationary approval is given to a district board of education whose educational program has not met the high quality standards or has one or more schools given probationary or serious impairment status. Probationary approval is a warning that the district board must make specified improvements.
- 7.4 If the high quality standards and annual performance measures are not met during the succeeding year, the district board is automatically given nonapproval. Nonapproval is also given 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.
- 7.5 Whenever nonapproval status is given to a district, the state board of education declares a state of emergency in the district by written notification and may intervene in the operation of the district.
- 7.6 Nonapproval and intervention are not required if probationary or seriously impaired status schools improve the level of performance 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.
- 7.7 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 appoints 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 standards adopted by the state board.
- 8.2 High quality 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.

Section 8. On-Site Reviews (Continued)

- 8.3 The team also verifies measures of performance and other areas as deemed necessary.
- 8.4 The team is 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 will be chaired by a member of the department accreditation staff.
- 8.5 The educational standards compliance team reports 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.
- 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 is submitted to the West Virginia Department of Education within thirty (30) days of receipt of the draft written report. The plan includes 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(s) 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(s) for compliance. If compliance is verified, a recommendation is 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 is 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 will 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 are 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 is conducted at any school or school district.

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