



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

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Office of West Virginia  
Secretary Of State

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

AGENCY: Education TITLE-SERIES: 126-012  
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: West Virginia System of Support and Accountability (2322)  
CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler,  
180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of  
Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

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

July 15, 2024

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

**Yes**

**Kelli D Talbott -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

126CSR12

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

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

**§126-12-1. General.**

1.1. Scope. -- This rule provides an accountability system for all West Virginia public schools, including charter public schools, and counties that presents a coherent and aligned set of expectations necessary to transform schools and counties into outcome-focused, innovative, and accountable learning organizations that prepare all students for college and career. Additionally, this rule requires training of county board of education members (CBEM) and the development and operation of Local School Improvement Councils (LSICs) in West Virginia public schools.

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

1.3. Filing Date. -- June 12, 2024.

1.4. Effective Date. -- July 15, 2024.

1.5. Repeal of Former Rule. -- This rule amends W. Va. 126CSR12, Policy 2322, West Virginia System of Support and Accountability (Policy 2322), filed January 13, 2022, and effective February 14, 2022.

**§126-12-2. Purpose.**

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

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

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

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

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

## 126CSR12

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

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

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

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

2.10. The West Virginia Department of Education (WVDE) is responsible for:

2.10.a. creating and distributing the electronic template, as approved by the West Virginia Board of Education (WVBE) through which the school and school system strategic plans are recorded;

2.10.b. establishing timelines and expectations for the submission of the school and school system strategic plans;

2.10.c. monitoring strategic plan submissions to ensure the plans include the core components outlined in WVBE policy and W. Va. Code;

2.10.d. providing leadership and technical assistance on effective continuous improvement and strategic planning processes;

2.10.f. providing input and feedback on the contents of strategic plans for those counties not achieving Full Approval status, or for any other county in which WVDE input is warranted;

2.10.g. ensuring that training in the role and governance of LSICs is provided to principals, county boards, and others the WVBE deems appropriate, upon employment and every three years thereafter; and

2.10.h. ensuring a document is produced and published explaining to parents and community leaders their role in LSICs.

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

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

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

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

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

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

3.1.e. Equitable Opportunities to Learn and Effective Instruction. Sufficient time for meaningful learning is provided to all students. Key concepts are: 1) instructional time is utilized efficiently and effectively; 2) instructional activities are rigorous and aligned to student interest and state standards; and 3) feedback is timely, ongoing, and supports individual student growth.

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

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

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

##### 4.1. WVAS Indicators.

4.1.a. The WVAS is a comprehensive system of measurements that defines school-specific expectations for continuous improvement using academic achievement, academic progress, cohort graduation rates, progress toward English language proficiency (ELP), and student success (attendance, behavior, and college/career credit earning) indicators to guide and focus improvement and technical assistance. The WVAS, as outlined below, meets all of the accountability requirements of Public Law 89-10, Elementary and Secondary Education Act (ESEA) of 1965, as amended by Public Law 114-95, Every Student Succeeds Act (ESSA) of 2015.

4.1.a.1. Academic Achievement. The academic achievement component of the WVAS is based on summative assessment scores for all students in grades 3-8 and grade 11. Using student scores, performance points are assigned in a progressive manner corresponding to the four achievement levels

## 126CSR12

reported on the West Virginia General Summative Assessment (WVGSA) and West Virginia Alternate Summative Assessment (WVASA) in English language arts (ELA) and mathematics as defined in W. Va. 126CSR14, Policy 2340, West Virginia Measures of Academic Progress.

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

4.1.a.3. Graduation Rates. For high schools, the graduation rate component of the WVAS is the four-year cohort graduation rate and the five-year cohort graduation rate identified as two separate indicators.

4.1.a.4. Progress on ELP. The progress on ELP indicator is based on results of the ELP Assessment (ELPA21) for English learner (EL) students in grades K-12. The indicator examines the progress of EL students in reaching an annual target across each of the four ELPA21 domains of listening, reading, speaking, and writing.

4.1.a.5. Student Success. The student success indicators focus on attendance, behavior, and college- and career-readiness within programmatic levels.

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

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

4.1.a.5.A.2. Behavior. The behavior indicator measures the percentage of students who received zero out-of-school suspensions during the school year (excluding suspensions for Level 3 and Level 4 violations of W. Va. 126CSR99, Policy 4373, Expected Behaviors in Safe and Supportive Schools).

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

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

4.1.a.5.B.2. On-track to Graduation. The on-track to graduation indicator measures the percentage of grade 10 students on-track to complete requirements for high school graduation by earning at least 12 credits cumulatively across their respective grade 9 and grade 10 years and earning at least two credits in each of the four primary content areas of ELA, mathematics, science, and social studies within their grade 9 and grade 10 years; and

4.1.a.5.B.3. Post-secondary Achievement. The Post-secondary Achievement indicator measures the percentage of grade 12 students successfully completing one or more college-readiness benchmarks via the Advanced Placement (AP) or International Baccalaureate (IB) program exams; earning

one or more college-credits by completing dual credit coursework; or completing the four required courses in a state-approved Career Technical Education (CTE) program of study as defined in W. Va. 126CSR44M, Policy 2520.13, West Virginia College- and Career-Readiness Programs of Study/Standards for Career Technical Education.

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

4.2.a. Full Academic Year. Students who are enrolled in a school for at least 135 days are considered to be present for a full academic year (FAY). Only FAY students are included in accountability calculations for academic achievement, academic progress, progress toward ELP, and student success indicators. FAY does not apply to the four- and five-year graduation measures as they are determined by using the verified cohort for schools meeting minimum cell size.

4.2.b. Minimum Cell Size. In the WVAS, if there are at least 20 FAY students in a particular subgroup enrolled in the school, their results are accountable.

4.3. School Programmatic Levels. Elementary, middle, or high school classification is determined by the highest grade level of accountability in a school, regardless of grade configuration.

4.4. Participation Rate. Participation rates ensure that all students are well represented when making school performance determinations. Each school will be required to meet a 95 percent participation rate for all FAY students and for each subgroup of students on the academic achievement, academic progress, and ELP accountability indicators. To reinforce this participation rate requirement, WVAS calculations for these indicators will utilize a denominator that represents 95 percent of enrolled FAY students, or the number of enrolled FAY students assessed, whichever is greater.

4.5. School Performance Levels. Through the WVAS, all public schools earn performance level designations for each individual indicator measure identified in section 5.1. The WVBE shall establish cut scores for the school performance level designations for each indicator and shall review and revise as necessary. School performance level designations will be presented in a balanced scorecard representing performance on each individual indicator. The performance levels are:

4.5.a. Exceeds Standards. Schools with distinctive student performance on a specific WVAS indicator measure.

4.5.b. Meets Standards. Schools with acceptable student performance on a specific WVAS indicator measure.

4.5.c. Partially Meets Standards. Schools with student performance approaching the acceptable standard on a specific WVAS indicator measure.

4.5.d. Does Not Meet Standards. Schools with unacceptable student performance on a specific WVAS indicator measure.

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

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

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

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

<b>CHART 1</b>			
<b>Stages for County Support and Accountability</b>			
<b>Identification Phase</b>	<b>Definition</b>	<b>County Responsibilities</b>	<b>WVDE Responsibilities</b>
Stage One: On Watch Identification	One or more indicators do not meet standard.	<ul style="list-style-type: none"> <li>• Diagnose and build structures to facilitate countywide improvement for identified deficiencies.</li> <li>• Review the county strategic plan to ensure it addresses deficiencies.</li> <li>• Monitor progress toward goals.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide technical assistance at the request of county leadership.</li> </ul>
Stage Two: Support Identification	Any indicator that does not meet standards and does not show improvement for two consecutive years.	<ul style="list-style-type: none"> <li>• Adjust the district strategic plan to target deficiencies and lack of improvement in stage one.</li> <li>• Monitor progress.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor progress</li> <li>• Provide technical assistance as determined necessary by WVDE or at the request of county leadership.</li> </ul>
Stage Three: Intensive Support Identification	Any indicator that does not meet standard and does not show improvement for three consecutive years.	<ul style="list-style-type: none"> <li>• Adjust the strategic plan based on lack of improvement in stage two.</li> <li>• Monitor progress.</li> <li>• Report progress to WVDE Office of Accountability quarterly.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide technical assistance</li> <li>• Monitor progress</li> <li>• Make annual recommendations to the WVBE, including possible non-approval status based on lack of progress.</li> </ul>

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

<b>CHART 2</b>	
<b>County Operational Effectiveness: Indicators of Efficiency</b>	
<b>Efficiency Standard</b>	<b>Summary</b>
Career Technical Education	The county implements programs of study within a Simulated Workplace environment on the approved curriculum list that provide access to a wide range of high-quality post-secondary.
Child Nutrition	The county establishes, implements, and monitors policies and regulations that define requirements and criteria for a healthy school nutrition program.
Facilities	The county operates and maintains schools efficiently and economically, and the number and location of schools serve the student population adequately.
Federal Programs	The county designs, implements, and monitors supplemental programs designed to improve student achievement that are consistent with federal laws and regulations.
Finance	The county complies with various financial requirements to ensure that all funds are spent appropriately for allowable and fiscally responsible purposes.
Personnel	The county ensures that its employees are credentialed with the appropriate certification/licensure so that students are provided with high-quality and highly effective educators and support personnel.
Special Education	The county ensures that all eligible students with exceptionalities are provided with a free appropriate public education (FAPE) in accordance with state and federal regulations.
State Required Data Collections	The county verifies that all required data are entered into WVEIS in a timely and efficient manner and certified or verified in accordance with expectations established by the WVDE.
Transportation	The county evaluates the efficiency and effectiveness of the transportation services consistent with state laws and policies.
Universal Pre-K: School Readiness	The county provides high quality universal pre-k to all four-year-olds and eligible three-year-olds that is consistent with state laws and policies.
CBEM Effectiveness	Each county board assesses its own performance annually, and no later than July 30, using a statutorily-required performance appraisal instrument, approved by the WVBE. The appraisal shall focus on collaboration with various constituency groups and the general public, strategies necessary to monitor and improve student achievement on a continuing basis, and effective utilization of policy to govern. At the conclusion of the appraisal, the CBEM shall make available to the public, no later than August 15, a summary of the evaluation, including areas in which the CBEM conclude improvement is warranted. CBEM shall fulfill the statutory training requirements as

	monitored and maintained by the WVBE County Board Member Training Standards Review Committee (TSRC) and the West Virginia School Board Association (WVSBA).
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5.4. County Operational Effectiveness: Support and Accountability. Counties shall comply with state and federal requirements under each efficiency indicator. For counties identified as needing assistance and support, requirements are listed in Chart 3.

<b>CHART 3</b> <b>County Support and Accountability for Operational Effectiveness</b>
<b>Corrective Action Identification.</b> Any efficiency indicator identified as Needs Assistance in the annual county profile.
<ul style="list-style-type: none"> <li>• County leadership, with assistance from WVDE, develops an action plan.</li> <li>• County and WVDE monitor progress.</li> <li>• After plan implementation, WVDE makes recommendations to the WVBE based on the progress made by the county. These recommendations may include nonapproval status based on a lack of acceptable progress.</li> </ul>

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

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

<ul style="list-style-type: none"> <li>• evidence of CBEM governance and county superintendent operational relations which may divert CBEM or county superintendent efforts to focus on accountability for student achievement or which divert the CBEM from achieving its goals as identified in its Strategic Improvement Plan or such other considerations as the WVBE may determine; or</li> <li>• failure of CBEM to fulfill the statutory training requirements and any training prescribed by the WVBE or WVDE as described in section 6 of this policy.</li> </ul>	
<p><b>County Approval Status.</b></p>	
<p>The WVBE may issue nonapproval status to a county until acceptable progress is demonstrated.</p>	

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

<p align="center"><b>CHART 5</b> <b>County Support and Accountability for Immediate Intervention</b></p>	
<p><b>Conditions may include, but are not limited to:</b></p>	<p><b>Corrective Action</b></p>
<ul style="list-style-type: none"> <li>• a county fails to act on a statutory obligation which would interrupt the day-to-day operations of the county;</li> <li>• the conditions precedent to intervention exist and delaying the intervention would not be in the best interest of the students; and/or</li> <li>• the conditions precedent to intervention exist and the WVBE had previously intervened in the county and completed the intervention within the preceding five years.</li> </ul>	<p>WVBE shall determine the required corrective action of the county in accordance with W. Va. Code §18-2E-5. Interventions may include, but are not limited to:</p> <ol style="list-style-type: none"> <li>limit the authority of CBEM,</li> <li>declare the office of the county superintendent vacant,</li> <li>declare the positions of personnel who serve at the will and pleasure of the county superintendent vacant,</li> <li>fill the declared vacancies during the period of intervention, and</li> <li>take any direct action necessary to correct the extraordinary circumstance.</li> </ol>

<b>County Approval Status.</b>	
The WVBE shall issue nonapproval status until acceptable progress is demonstrated.	
<b>Leadership Capacity.</b>	
1. When a county does not have the capacity to correct deficiencies, the WVBE shall:	<ul style="list-style-type: none"> <li>a. work with the county to develop and obtain the necessary resources in consultation with the Legislature and the Governor; or</li> <li>b. recommend to the appropriate body, including but not limited to, the Legislature, CBEM, schools, and community, methods for targeting resources to eliminate deficiencies.</li> </ul>
2. To build the governance and leadership capacity of CBEM during an intervention in the operation of its county:	<ul style="list-style-type: none"> <li>a. the CBEM shall establish goals and an action plan, provided the authority of the local board has not been limited as a result of the intervention. Any such plan shall include: an analysis of the training and professional learning activities needed by the CBEM and county leadership; support identified training activities; and active involvement by the CBEM and county superintendent in the improvement process.</li> </ul>
	<ul style="list-style-type: none"> <li>b. the State Superintendent of Schools (State Superintendent) shall maintain oversight of the county on the development and implementation of the plan.</li> </ul>
<b>Period of Intervention.</b>	
Once per year.	<ul style="list-style-type: none"> <li>a. The WVDE shall assess the readiness of the CBEM to accept return of control and sustain improvements.</li> <li>b. The WVDE shall report any recommendations to the WVBE supported by evidence of the progress made on goals and action plans.</li> <li>c. The WVBE may return any or every portion of control of the operations to the county.</li> </ul>
At the end of five years.	<p>WVBE shall determine if the CBEM is ready to accept return of control and sustain improvements. If not, the WVBE:</p> <ul style="list-style-type: none"> <li>a. shall hold a public hearing in the affected county,</li> <li>b. may continue intervention only after public hearing, and</li> <li>c. may require an additional revision of goals and action plan.</li> </ul>
Beyond five years.	The WVBE must hold a public hearing after each annual assessment beyond the fifth year.
<b>Termination of Intervention.</b> Following termination, support from the WVDE and WVBE shall continue as needed for up to three years.	

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

5.8. A county superintendent or local board of education, via board action at a public meeting, may

request in writing to the State Superintendent and the WVBE that a special circumstance review be conducted. The request must include the specific circumstance that warrants such a review.

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

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

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

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

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

5.9.a.4. investigating official complaints submitted to the WVBE that allege a county or school is in violation of policies or laws; or

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

5.9.b. Notification of On-site Review.

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

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

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

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

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

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

to the principal when a school was part of the special circumstance review.

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

6.1. Beginning January 1, 2020, local board agendas and minutes shall be made public on the county webpage. Beginning September 1, 2024, video and/or audio of local board meetings shall be live-streamed and recorded and posted to the county board's webpage within five business days of the meeting. Directions for accessing the live stream will be made available to the public via the county webpage and local board agendas. Additionally, a minimum of once per month, in collaboration with county superintendents, county agendas shall include discussion addressing one or more of the following: school performance, student outcomes, or academics with local school board goals and actions to improve student achievement and well-being. If any county indicator is identified as Support or Intensive Support under the WVAS, the county leadership team shall present plans and progress for correcting deficits in the West Virginia Balanced Scorecard Indicators of Academic Achievement and Student Success, and County Operational Effectiveness Indicators of Efficiency.

6.1.a. At a minimum, CBEM shall annually assess their performance using statutorily-required CBEM performance appraisal, approved by the WVBE. This appraisal shall focus on collaborating with various constituency groups and the general public, implementing the strategies necessary to monitor and improve student achievement on a continuing basis, and effective policy governance. At the conclusion of the evaluation, the CBEM shall make available to the public a summary of the evaluation, including areas in which the CBEM concludes improvement is warranted. The summary of the evaluation shall be posted on the county's web page and remain posted until the following year's evaluation is completed.

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

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

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

6.1.b. CBEM shall meet at least annually with the LSIC of each school deemed to be low performing under the WVAS, in accordance with W. Va. Code §18-5-14. At any such meeting, the principal and the LSIC chair shall be prepared to address the dialogue at its meeting or meetings to give all stakeholders an opportunity to make specific suggestions to address issues which are seen to affect the school's academic performance and any other matters that may be requested by the county board as specified in the meeting agenda provided to the council.

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

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

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

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

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

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

6.4. CBEM shall receive training in areas relating to boardmanship, governance effectiveness, fiscal management, and school performance issues including, but not limited to, pertinent state and federal statutes as outlined in W. Va. Code §18-5-1a. Training shall be provided between the date of the election and the beginning of the member's term of office. As requested by the State Superintendent, WVBE may require any CBEM to attend additional training they deem beneficial in assisting the CBEM in successfully fulfilling their duties. Failure to attend and complete the orientation training, annual training, or training required by the WVBE without good cause constitutes neglect of duty under W. Va. Code §6-6-7.

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

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

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

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

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

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

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

7.1. CBES shall develop and implement an Electronic County Strategic Improvement Plan, referred to as the County Strategic Plan, which contains improvement procedures and activities to strengthen the county education program in order to increase student achievement and positively impact other student outcomes. The County Strategic Plan addresses the following areas: 1) core beliefs and mission, 2) improvement goals, 3) a plan that includes performance measures, strategies, action steps and professional learning, 4) a system for monitoring and supporting the implementation and effectiveness of activities, 5) an evaluation process, and 6) West Virginia Support for Improving Professional Practice (WVSIPP). The County Strategic Plan shall be for a period of no more than five years and shall include the mission and goals of the school or the county to improve student, school, or county performance and progress.

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

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

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

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

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

7.1.c.2. make recommendations for county-wide improvement priorities and school-specific support, including assistance for schools falling below acceptable standards of performance as identified in needs assessment and strategic planning at the school level; and assurance that all school leaders'

annual evaluation goals are directly aligned to the strategic plan goals and weaknesses of schools' West Virginia Balanced Scorecards and the WVAS. The superintendent or designee shall meet with each principal at least every 60 days to review data and monitor progress toward the established goals;

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

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

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

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

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

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

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

8.1.b. includes a comprehensive needs assessment identifying: 1) core beliefs and mission; 2) data analysis of student performance indicators, etcetera; 3) improvement goals; 4) a work plan that includes performance measures, strategies, action steps and professional learning; and 5) a system for monitoring and supporting the implementation and effectiveness of activities, which includes generating educator professional evaluation goals that are directly aligned to the strategic plan goals and with strengths and weaknesses on the school's West Virginia Balanced Scorecard.

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

## 126CSR12

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

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

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

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

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

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

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

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

9.1. The faculty senate shall utilize the following processes to support continuous improvement:

9.1.a. provide input and approve the school strategic plan.

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

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

9.1.d. focus on school improvement with a standing agenda item to discuss progress, concerns, and adjustments to the school plan.

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

9.3. Each faculty senate shall elect three faculty representatives to the LSIC.

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

9.5. Faculty senate may meet for an unlimited block of time during noninstructional days to discuss and plan strategies to improve student instruction and overall school effectiveness.

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

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

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

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

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

10.2.b. three teachers elected by the faculty senate of the school;

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

10.2.d. three parents, guardians, or custodians of students enrolled at the school elected by the parents, guardians, or custodians of students enrolled at the school in such a manner as may be determined by the principal. Under no circumstances may a parent member of a school's council be employed at that school in any capacity;

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

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

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

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

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

## 126CSR12

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

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

10.6.a. The school principal shall arrange for the election of members to the LSIC to be held prior to September 15 of each school year and shall give notice of the elections at least one week prior to the elections being held. To the extent practicable, all elections to select council members shall be held within the same week.

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

10.6.b.1. At the organizational meeting, the principal shall provide each member with:

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

10.6.b.1.B. any WVBE rule or regulation promulgated pursuant to the operation of these councils; and

10.6.b.1.C. any information as may be developed by the WVDE on the operation and powers of LSICs and their important role in improving student and school performance and progress.

10.7. General Operational Procedures of the LSIC.

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

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

available on the school's website and forwarded to CBEM and the WVDE. The county board shall also post this report on its website.

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

10.7.d. The LSIC shall ensure that minutes are taken at every meeting and made available to the public on the school's website and upon written request made to the school's principal or council chair.

10.7.e. Each LSIC may adopt a set of bylaws or meeting procedures that are consistent with state and local policy and W. Va. Code. The WVDE provides resources and technical assistance for conducting effective LSIC meetings.

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

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

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

10.8.b. A school-level initiative may propose alternatives to the operation of the school that will enable the school to better meet or exceed the West Virginia Standards for Effective Schools, increase administrative efficiency, enhance the delivery of instructional programs, promote student engagement in the learning process, promote business partnerships, promote parent and community involvement at the school, or improve the educational performance of the school generally.

10.8.c. In order to promote innovations and improvements in the environment for teaching and learning at the school, a LSIC shall receive cooperation from the school in implementing policies and programs it may adopt to:

10.8.c.1. encourage the involvement of parents, guardians, or custodians in their child's educational process and in the school;

10.8.c.2. encourage businesses to provide time for their employees who are parents, guardians, or custodians to meet with teachers concerning their child's education;

10.8.c.3. encourage advice and suggestions from the business community;

10.8.c.4. encourage school volunteer programs and mentorship programs;

10.8.c.5. foster utilization of the school facilities and grounds for public community activities;

10.8.c.6. encourage students to adopt safe and healthy lifestyles; and

10.8.c.7. communicate to students the common skills and attributes sought by employers in prospective employees.

10.8.d. In any and all matters which may fall within the scope of both the school improvement councils and the school curriculum teams authored in W. Va. Code §18-5A-5, the school curriculum teams have jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

10.9.d.2. if an alternative proposed by the LSIC requires the waiver of any policies or rules promulgated by the WVBE and the CBEM approves the proposal except that a waiver by the WVBE is required, the CBEM shall forward the approved proposal to the WVBE for final determination. The WVBE shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the CBEM or its agents and, in its discretion, approve implementation of the alternative or reply to

the CBEM and LSIC within a reasonable time as to its reasons for not approving the proposed alternative. Approval of the proposal by the WVBE constitutes a grant of the waiver;

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

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

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

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

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

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

10.10. LSICs shall be considered for the receipt of school of excellence awards and competitive grant awards and may receive and expend such grants for the purposes provided.

10.11. Any charter public school established pursuant to W. Va. Code §18-5G-1 may, at its discretion, abide by all or some of the LSIC requirements of this section and may modify any of the requirements it elects to follow to adapt them to be consistent with the operations of the school.

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

11.1. West Virginia Exemplary Practice Schools.

11.1.a. West Virginia Exemplary Practice Schools are determined by examining accountability indicator measures. Approximately five percent of schools will be selected to apply each year for this prestigious designation. Qualifying schools will be chosen annually from each of the programmatic levels. These schools will be required to participate in a school visit by WVDE staff and submit additional information to showcase their excellence in at least one of the West Virginia Standards for Effective Schools. Exemplary Practice Schools will be eligible for consideration for the Exemplary Schools Continuing Improvement Grant to be awarded by the WVBE.

11.2. Other School Recognition Programs.

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

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

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

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

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

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

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

**§126-12-12. Annual Reporting.**

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

## 126CSR12

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

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

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

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

12.1.c.2. school attendance rates;

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

12.1.c.4. graduation rates;

12.1.c.5. enrollment;

12.1.c.6. average class size;

12.1.c.7. pupil-teacher ratio;

12.1.c.8. pupil-administrator ratio;

12.1.c.9. operating expenditure per pupil;

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

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

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

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

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

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

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

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

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

**§126-12-13. Severability.**

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