

**126CSR13**

**TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION**

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

**§126-13-1. General.**

1.1. Scope. This rule establishes an accountability system for West Virginia public schools and an approval process for school systems based on (1) measures of student performance and (2) a system of reviews through which school and school system quality is examined and publicly reported. Accountability measures, and an accreditation process with a system of performance audits, shall assist the Governor, the Legislature, the West Virginia Board of Education, hereinafter WVBE, and county boards of education in ensuring that high quality educational standards and annual performance measures and progress are met by all schools and school systems, and that a thorough and efficient system of schools is provided. This rule further establishes the responsibility of all schools and school systems to implement processes of improvement that increase the quality of school and classroom conditions to impact student performance and well-being.

1.2. Authority. W. Va. Constitution, Article XII, §2; W. Va. Code §§18-1-4; 18-2-5; 18-2-7a; and 18-2E-5; and Public Law 107-110, *No Child Left Behind Act of 2001*.

1.3. Filing Date. May 15, 2014.

1.4. Effective Date. July 1, 2014.

1.4.a. Unless specified otherwise within the policy.

1.5. Repeal of Former Rule. – This legislative rule repeals and replaces W. Va. 126CSR13, WVBE Policy 2320, A Process for Improving Education: Performance Based Accreditation System, filed November 15, 2007, and effective December 17, 2007.

**§126-13-2. Overview.**

2.1. The West Virginia Constitution charges the WVBE with the general supervision of public schools. This duty of general supervision is subject to many factors, including, but not limited to:

2.1.a. The resolution of the landmark case of *Pauley vs. Bailey*<sup>1</sup>, wherein the WVBE, the West Virginia Legislature, the Governor, and the State Superintendent of Schools adopted “A Process for Improving Education,” the blueprint for a standards-based accountability system for West Virginia, hereinafter System.

2.1.b. The adoption by the Legislature of W. Va. Code §18-2E-5, intended to implement the provisions of the System; and

2.1.c. The Adoption by the WVBE and approval by the United States Department of Education of a waiver to the terms of the “No Child Left Behind” Act of Congress, hereinafter Act. The Act and the

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<sup>1</sup> *Pauley vs. Bailey*, 324 S.E.2d 128 (W. Va. 1984).

waiver relate to many areas of the state education system, but for the purposes of this policy, the principal impact of the Act is on school accountability.

2.2. The WVBE is charged with implementing the details of the entire standards-based accountability system, and in 2013, the Legislature amended W. Va. Code §18-2E-5 in part to provide the WVBE the flexibility it needs to administer the System within the mandates of both the State and Federal governments. Among the many things the WVBE must do to administer the standards-based accountability system are the following:

2.2.a. Establish high academic standards and high-quality process standards;

2.2.b. Administer assessments to measure achievement of the academic standards and compliance with the high-quality process standards;

2.2.c. Administer a program of accountability that recognizes the level of achievement of the academic standards and compliance with the high-quality process standards, through recognitions, sanctions, and rewards. The WVBE has determined to administer this program of accountability by assigning schools a grade of A, B, C, D, or F, hereinafter A-F, and granting county school systems an approval status of Full Approval, Temporary Approval, Conditional Approval, or Non-Approval; and

2.2.d. Use the standards-based accountability system to help determine capacity needs of schools and school systems and take steps to address those capacity needs.

2.3. In order to administer those parts of the standards-based accountability system related to school accreditation, school system approval, and capacity building, the WVBE promulgates this rule.

2.4 School Accountability and Accreditation<sup>2</sup>.

2.4.a. Annual and Cyclical Review of High-Quality Process Standards.

2.4.a.1. Annually, each school will complete a School Monitoring Report calculated to assist the school in determining compliance with high-quality process standards principally found in those WVBE policies that affect student performance and school quality, especially W. Va. 126CSR12, WVBE Policy 2322: Standards for High Quality Schools, hereinafter Policy 2322. The Office of Education Performance Audits, hereinafter OEPA, will review the School Monitoring Report.

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<sup>2</sup> Because of the various State and Federal mandates this policy must address, the term “accountability” is used in more than one context. Additionally, the terms “accountability” and “accreditation” often are confused, so in the context of this policy, some explanation is necessary. The entire process of establishing high standards, assessing performance, holding schools accountable by assigning grades (A-F), administering sanctions and rewards, and determining capacity needs is referred to as a “standards-based accountability system.” As a part of that System, the State is required to administer a “program of accountability” that assigns a grade (A-F) for each school based on academic performance, and, where applicable, graduation rates. After the assignment of this grade to each school, compliance with high quality standards is considered before the school ultimately is accredited. The accreditation for the school will be the same letter grade unless lowered because of a failure to comply with the high quality standards creates conditions so serious that the WVBE determines the performance grade would be a misrepresentation of the school’s overall quality. So, “accountability” is the term used to name the entire system and also to assign a grade based on academic performance and graduation rates. “Accreditation” is the process whereby each school is assigned a final grade under the standards-based accountability system.

## 126CSR13

2.4.a.2. Over the period of school year 2014-2015 and school year 2015-2016, each school in the State will receive one on-site review by the OEPA to determine compliance with high-quality process standards.

2.4.a.3. Beginning with school year 2016-2017, the OEPA will conduct on-site reviews of each school in the State once every four years to determine the accuracy of the School Monitoring Report and compliance with the high-quality process standards.

2.4.a.4. Throughout the annual and cyclical review process, in addition to determining compliance with high-quality standards, the OEPA will seek examples of best practices that should be commended and replicated.

### 2.4.b. Annual Accreditation of Schools (A-F Accreditation).

2.4.b.1. Each year, the West Virginia Department of Education, hereinafter WVDE, will administer a program of accountability wherein it will calculate a grade for each school based on student performance on academic assessments and, where applicable, graduation rates, and will assign each school a grade A-F.

2.4.b.2. The OEPA will verify the grade calculated by the WVDE, and may recommend to the WVBE lowering the grade if school conditions, as determined in the annual and cyclical reviews, are found to be so adverse and so serious that the grade calculated by the WVDE would be a misrepresentation of the school's overall quality.

2.4.b.3. The WVBE will make final determination of the grade to be assigned each school and that grade will be the annual accreditation for that school. The WVBE will communicate the grades as appropriate.

### 2.5. County School System Approval Status.

2.5.a. Each year the OEPA will assign each county school system an approval status of Full Approval, Temporary Approval, Conditional Approval, or Non-Approval.

2.5.b. The status awarded each school system will be based primarily on the A-F grade assigned to each of its schools and the measure of improvement by its lowest-performing schools.

2.5.c. Regardless of the accreditation status indicated by the grades awarded the schools within the county school system, the school system may be granted non-approval status if certain serious negative circumstances exist which merit non-approval.

### 2.6. Capacity Building.

2.6.a. Using the results of the standards-based accountability system, the WVBE will determine capacity needs of schools and school systems and will take steps necessary to address those capacity needs.

2.7. The WVBE finds that the nature and complexity of this administrative rule should make this overview helpful to the reader. This section is intended to serve as an informal overview of this administrative rule for the benefit of the reader and should not be considered the policy of the WVBE. The policy of the WVBE is found in the balance of this administrative rule.

**§126-13-3. Premises and Purposes.**

3.1. Premises. There are core premises that guide the requirements and processes established by this policy. These premises are:

3.1.a. All children can learn. Background variables of socio-economic status, race, ethnicity, or gender are not determinants of progress or reaching proficiency.

3.1.b. The primary measure of an effective school is the quality and equity of student outcomes. The WVBE has the responsibility to define the outcomes by which quality and equity should be judged and hold schools and school systems accountable for those outcomes.

3.1.c. The level of quality and equity of each West Virginia school must be public knowledge. Communicating the level of school quality can leverage improvement when provided in language that is clear and easily understood.

3.1.d. The school is the unit of change. Local, regional, and state resources, policies, and procedures must focus on assisting the improvement of each West Virginia school and on differentiating supports according to need and level of performance.

3.1.e. The capacity for excellence resides in every school. Schools have the responsibility to create school-wide and classroom conditions that produce student success. Every school needs quality leadership and the flexibility and support to make the decisions that will lead to the achievement of all students.

3.2. Purposes. This policy establishes a process for the Governor, Legislature, WVBE, and county boards of education to develop and ensure the tenets of a thorough and efficient system of public education and address the constitutional responsibility of the WVBE to generally supervise schools and school systems through:

3.2.a. Establishing standards and performance measures that define the responsibilities of schools, school systems, and all school personnel to improve the level of student performance and well-being;

3.2.b. Holding schools and school systems accountable for performance outcomes and established processes of continuous improvement that have been determined to affect the quality of school and classroom learning conditions;

3.2.c. Implementing a system of public notification which communicates the level of quality of each West Virginia public school and each school system;

3.2.d. Evaluating educational progress of individual schools, school systems, and the entire state system based on performance and high quality standards;

3.2.e. Ensuring equity of opportunity as measured by school conditions, facilities, resources, capacity, and efficiencies;

3.2.f. Providing a mechanism for schools and school systems to take responsibility in assessing and determining continuous improvement efforts;

## 126CSR13

3.2.g. Defining a system of supports and consequences for schools and school systems falling below acceptable standards of performance;

3.2.h. Creating a recognition and reward process that incentivizes school improvement and rewards growth and performance; and

3.2.i. Aiding the Governor, Legislature, and WVBE in decision-making and resource allocation to improve school effectiveness and efficiencies.

### **§126-13-4. Glossary.**

4.1. Accelerated Improvement of the Lowest 25% of Students. – The overall annual improvement in performance of the lowest 25% of students in a school as measured by the established metrics of the West Virginia Accountability System (WVAS).

4.2. Acceptable Annual Improvement. – Overall school performance as measured by the WVAS with individual trajectories of growth established for all applicable schools.

4.3. Accountability Measures. – Those specific areas of student performance used to determine school and school system quality. In West Virginia, school accountability measures are student proficiency in English/language arts, student proficiency in mathematics, observed student growth, adequate student growth, accelerated performance of students in the lowest 25%, 4-year graduation rates, 5-year graduation rates, and the West Virginia Early Learning Reporting System where applicable.

4.4. Accreditation. –W. Va. Code §18-2E-5 and Policy 2320 requirement that establishes a process for monitoring the performance and conditions of schools and school systems to determine (1) verification of school performance grades, (2) compliance with policy and W. Va. Code, (3) school quality based on Policy 2322, (4) school and school system resource, facility, efficiencies, and capacity building needs, and (5) best practices.

4.5. Accreditation Final Report – The written report that communicates the observations and information found during the review of school and school system conditions as described in Glossary term 13.4. This final report culminates with a summary of best practices, recommendations and findings.

4.6. Adequate Growth – The measure which determines whether a student's growth is enough to reach grade-level expectations, or growth to standards.

4.7. Alternate Assessment – Eligible students with disabilities who have been determined by an IEP team to be unable, even with extended learning opportunities and significant instructional accommodations, to meet state and county standard graduation requirements may receive a modified diploma. These students participate in West Virginia's Alternate Assessment which is based on West Virginia's alternate academic achievement standards (Next Generation Essential and Community Elements).

4.8. Annual Accreditation Review – The OEPA analysis of a school's electronic submission of the School Monitoring Report to examine school quality, determine compliance with policy and W. Va. Code, and verify school performance grades.

## 126CSR13

4.9. Approval Level – The designations identified by W. Va. Code earned by a school system that communicate overall system level of quality, as determined by individual school performance and school and school system conditions.

4.10. Best Practices – Those school and classroom processes and strategies that positively impact the performance and well-being of students, as determined by the OEPA review, and are noted in the school and/or school system Final Report to the WVBE.

4.11. Capacity Building – An array of supports and processes, including professional development provided to schools or school systems to increase staff individual and collective skills, competencies and abilities to impact student performance and well-being.

4.12. Continuous Improvement – The on-going process of planning, determining, implementing, and refining improvement efforts in order to positively impact desired outcomes. In Policy 2320, continuous improvement includes the collective staff process of analyzing student performance data, studying current school and classroom practices, determining root causes, researching solutions, and implementing processes outlined in the strategic plan to improve student performance and well-being.

4.13. Corrective Action – Those strategies or processes which must be implemented by a school or school system to address findings identified during an OEPA annual or cyclical review.

4.14. Cyclical Review – The on-site review of a school or school system conducted at least every four years by a team of educators under the leadership of the OEPA. This review examines school quality; determines school and school system compliance with policy and Code; verifies school performance grades; examines resource, facility, efficiency, and capacity building needs; and identifies best practices.

4.15. Directive – Written instructions issued by the WVBE to a school or school system outlining expected actions, outcomes, and timelines for addressing accreditation review findings.

4.16. Exit Conference – The informal oral review of an accreditation team’s conclusions conducted at the end of an on-site review by the OEPA personnel with school and school system leadership and staff.

4.17. Extraordinary Circumstances – Extraordinary circumstances are circumstances defined by the WVBE under which the state board may intervene directly or indirectly in the operation of a school; or may issue nonapproval status to a school system.

4.18. Finding – Areas identified through accreditation review processes that must be corrected by the school or school system according to timelines established by the WVBE.

4.19. Four-Year Graduation Rate – The measurement of students receiving a high school diploma within the standard four-year period as calculated by established measurements and federal guidelines.

4.20. Five-Year Adjusted Graduation Rate – The measurement of students receiving a high school diploma within a five-year period as calculated by established measurements and federal guidelines.

## 126CSR13

4.21. Full Academic Year (FAY) – Students who are enrolled in a school for at least 135 days are considered to be present for a FAY.

4.22. Grade Verification – The process conducted by the OEPA on behalf of the WVBE to ensure that school performance grades are an accurate representation of the school's overall quality.

4.23. High Quality Standards – School expectations that ensure a high quality education in an engaging learning environment for all students. As outlined in W. Va. Code §18-2E-5, High Quality Standards for West Virginia students, schools, and school systems are identified in the following areas: curriculum; workplace readiness skills; finance; transportation; special education; facilities; administrative practices; training of county board members and administrators; personnel qualifications; professional development and evaluation; student performance, progress, and attendance; professional personnel, including principals and central office administrators, and service personnel attendance; school and school system performance and progress; and a code of conduct for students and employees. High Quality Standards are monitored through the OEPA annual and cyclical review processes.

4.24. Intervention – The process of interceding in the operation of a school or school system when the determination is made that this is necessary to improve conditions and/or student performance.

4.25. Monitoring – The process of examining conditions and/or actions through observation and analysis to determine if expectations are being met and progress is being made. Monitoring is usually accompanied by feedback where information is provided for the purpose of guidance and improvement.

4.26. Observed Growth – The measure of the actual growth of students during a one-year period as measured by the statewide summative assessment instrument.

4.27. Participation Rate – The percentage of eligible students taking the annual summative assessment as defined within the WVAS.

4.28. Proficiency – The measurement of student performance on standardized summative assessments as defined by the cut scores established within the WVAS.

4.29. Recommendation – Feedback given to schools and school systems as a result of the accreditation review process that should be considered during future continuous improvement and strategic planning deliberations but is not a requirement for action.

4.30. Root Cause – The identification of educational behaviors, actions, inactions, or conditions that may be the underlying cause of ineffective or unacceptable outcomes. Defining root cause is an essential component of continuous improvement.

4.31. School Self-Assessment – A part of the school improvement process during which the school staff examines student performance evidence and school/classroom conditions in order to determine improvement priorities (also referred to as a self-study). Schools may choose various tools and processes to complete the self-assessment but must annually examine the results of the OEPA School Monitoring Report.

4.32. Special Circumstance Review – The interim on-site review of schools or school systems that occurs outside the regular cycle of reviews and is conducted at the specific direction of the WVBE upon its determination that circumstances exist that warrant such a review.

4.33. Standards for High Quality Schools – Those seven standards outlined in Policy 2322 that form the basis for examination of school quality in the accreditation process. The seven standards are (1) Positive Climate and Culture, (2) School Leadership, (3) Standards-Focused Curriculum, Instruction and Assessments, (4) Student Support Services and Family/Community Connections, (5) Educator Growth and Development, (6) Efficient and Effective Management, and (7) Continuous Improvement.

4.34. Strategic Planning – The systematic process of determining an educational vision and mission based on core beliefs about teaching and learning then translating this vision into goals, actions, and a sequence of steps to achieve them.

4.35. West Virginia Accountability System (WVAS) – The comprehensive system of measurements that defines school-specific expectations for continuous improvement using student performance and student growth to guide and focus improvement and technical assistance.

4.36. West Virginia Accountability Index (WVAI) – The established measurement methods and calculations of school performance within the WVAS resulting in a school grade designation.

4.37. West Virginia Early Learning Reporting System (WVELRS) – A formative assessment process that provides data to inform instruction, personalize learning, and share students’ progress. Readiness and primary programs employ formative assessment methods to assure developmentally appropriate interactions, competencies, experiences, and skills are measured effectively. Data reporting is based on the evidence of individual student’s developmental progress towards standards.

**§126-13-5. West Virginia Accountability System (WVAS).**

5.1. The WVAS identifies the WVBE expectations for student performance and defines the measurement system by which schools are accredited and school systems are approved. It is founded on the expectation that schools will exhibit sustained improvement over time and work toward rigorous but realistic goals. The WVAS is based on the following guiding principles:

- 5.1.a. Communicating rigorous expectations for students and schools;
- 5.1.b. Creating a system of support and recognition for all schools;
- 5.1.c. Valuing both performance and growth; and
- 5.1.d. Communicating student performance clearly through a means understood by all.

5.2. WVAS. Overview.

5.2.a. Beginning with the 2014-2015 school year, the WVAS will assign all schools a rating of A-F, based on their overall performance score across measures that include both student proficiency and student growth. The points available to schools differ by programmatic level.



## 126CSR13

5.2.a.1. Elementary and Middle Schools. Elementary and middle schools can earn up to 1000 points. Scores are comprised of proficiency rates, observed growth, adequate growth, the accelerated performance of the lowest 25% of students in a school, and West Virginia Early Learning Reporting System where applicable.

5.2.a.2. High Schools. High schools can earn up to 1200 points. Scores are comprised of proficiency rates, observed growth, adequate growth, the accelerated performance of the lowest 25% of students in a school, 4-year graduation rates, and 5-year graduation rates.

5.2.b. Measures. The WVAS A-F system includes the following components:

5.2.b.1. Proficiency Rates. The proficiency rate component of the WVAS includes proficiency for all students based on the state summative general and alternate assessments in mathematics and English/language arts. Schools may earn up to 200 points in mathematics and up to 200 points in English/language arts depending on student performance.

5.2.b.2. Observed Growth. The observed growth component of the WVAS includes aggregate student growth for all students based on the assessments for which growth data are available. Observed growth measures the actual growth of each student. Schools may earn up to 100 points in mathematics and up to 100 points in English/language arts depending on student growth.

5.2.b.3. Adequate Growth. The adequate growth component of the WVAS includes aggregate student growth for all students based on the assessments for which adequate growth data are available. Adequate growth determines whether observed growth is enough for students to reach grade-level expectations, or growth to standard. Schools may earn up to 100 points in mathematics and up to 100 points in English/language arts depending on student growth to standard.

5.2.b.4. Accelerated Improvement of the Lowest 25%. Schools may earn up to 100 points in mathematics and up to 100 points in English/language arts depending on the improved performance rates of the lowest 25% of students in a school.

5.2.b.5. Graduation Rates. For high schools, the graduation rates component of the WVAS includes the 4-year and 5-year adjusted cohort graduation rate. Schools may earn up to 100 points for their 4-year and up to 100 points for their 5-year adjusted cohort graduation rates.

5.2.c. Inclusion Requirements. In order to ensure that the WVAS makes a fair, reliable, and valid assessment of schools in West Virginia, various system requirements are in place to include students in calculations for school grades.

5.2.c.1. Minimum Cell Size. A subgroup is included in the WVAS if there are at least 10 students across all grades.

5.2.c.2. 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, hereinafter FAY. FAY students are included in accountability calculations.

5.2.c.3. School Programmatic Levels. Elementary, middle, or high school classification is determined by the highest grade level of accountability (i.e., 4, 8, or 12) in a school, regardless of grade configuration. Schools terminating below grade 4 are considered elementary schools.

## 126CSR13

5.2.c.4. Participation Rate. Participation rates ensure that all students are well represented when calculating a school's grade letter designation. Schools not meeting the participation rate approved in the Federal Accountability System will be subject to grade modification.

5.2.d. School Performance Levels. Through the WVAS, schools earn a performance designation ranging from A to F. The WVBE will establish cut scores for the school grade designations and will review them annually and revise them as necessary.

5.2.d.1. A Schools. Schools with distinctive student proficiency as determined by WVAS metrics.

5.2.d.2. B Schools. Schools with commendable student proficiency as determined by WVAS metrics.

5.2.d.3. C Schools. Schools with acceptable student proficiency as determined by WVAS metrics.

5.2.d.4. D Schools. Schools with unacceptable student proficiency as determined by WVAS metrics.

5.2.d.5. F Schools. Schools with lowest student proficiency as determined by WVAS metrics.

### **§126-13-6. School Accreditation.**

6.1. Through the direction and oversight of the WVBE, the accreditation system provides:

6.1.a. the criteria and procedures for verifying a school's A through F grade designation;

6.1.b. a process for assessing and reporting school adherence to Policy 2322, and other appropriate policy and Code; and reporting school best practices, efficiencies, and resource, facility, and capacity building needs;

6.1.c. a process for identifying and reporting school and classroom conditions and non-compliances that may be impacting (1) student learning and well-being and (2) overall effective and efficient operation of the school;

6.1.d. a system of school self-study through which strengths and weaknesses can be determined and from which local school improvement decisions can be made;

6.1.e. a method of promoting continuous improvement by aligning local school improvement processes, strategic planning, and the annual and cyclical accreditation reviews; and

6.1.f. a basis for determining rewards, supports, technical assistance, and intervention.

6.2. Measures and Levels. School accreditation ratings are determined by the A-F grading system as described in Section 5 of this policy. This is based on the premise that student outcomes are the primary measure of an effective school. A school's performance rating is calculated by the WVDE then transferred to the OEPA for verification through the accreditation process. Once verified, the performance level is approved by the WVBE and communicated to schools, school systems, and communities.

### 6.3. Principles and Processes.

6.3.a. Operating Principles. The school's performance grade is verified by the OEPA through annual and cyclical review processes. These processes assure parents and the general public that school A-F grades are an accurate representation of the school's overall quality. The verification processes are derived from W. Va. Code §18-2E-5 requirements that the accreditation system monitor high quality standards and promote continuous improvement of all West Virginia public schools. The verification processes reflect the premise that every West Virginia school has the obligation to improve and to create school and classroom conditions that lead to student success. The accreditation processes will operate according to the following principles:

6.3.a.1. Focus on Student Performance. The accreditation processes focus all schools on creating those school and classroom conditions reflected in Policy 2322 used in the accreditation process to positively impact student performance.

6.3.a.2. Transparency and Clarity. The accreditation processes are based on clear and transparent expectations communicated in advance to schools and school systems. These expectations are outlined in the central tool of the accreditation process, the School Monitoring Report. This Report summarizes school compliance with Policy 2322 and other policy and Code requirements. Responses on the School Monitoring Report will be reviewed and validated through the annual and cyclical review processes.

6.3.a.3. Vehicle for Local Decision-Making. The annual and cyclical accreditation processes are designed and implemented to support local decision-making on how to change school and classroom conditions in ways that improve student performance and well-being. By using the School Monitoring Report, school faculties and Local School Improvement Councils, hereinafter LSIC, have a valuable method for reflecting on current practice, reaching consensus on improvement priorities, guiding the contents of the school strategic plan, and addressing non-compliances with policy and Code.

6.3.b. Review Processes. All West Virginia schools participate in annual and cyclical reviews managed by the OEPA under the direction of the WVBE.

6.3.b.1. Purposes of the Review Process. These annual and cyclical reviews are designed to (1) verify the school's annual performance grade, (2) provide feedback for local school improvement efforts, (3) verify compliance with core policy and Code, (4) document school best practices, and (5) identify efficiencies, resource, facility, and capacity building needs.

6.3.b.2. Annual Reviews. Each West Virginia school completes an annual on-line review using the School Monitoring Report. This report is used by the faculty to self-assess overall school quality as defined in Policy 2322 to document compliance with policy and Code, gather information on best practices, and identify school resource and capacity building needs. After review by the Faculty Senate and the LSIC and approval by the principal and local superintendent of schools, the report is submitted to the OEPA according to timelines established by the WVBE. The results submitted on the report regarding school quality and compliance with policy and Code is utilized by the OEPA to verify the school's performance grade. After the initial submission, the school annually updates the School Monitoring Report and uses the report as a source for identifying school strengths and weaknesses, determining improvement priorities, addressing non-compliances, revising the school strategic plan, and tracking progress during the four-year accreditation cycle.

6.3.b.3. Cyclical Reviews. At least every four years, all schools participate in an on-site review by an external team of educational professionals managed through the OEPA. This external review process assures the West Virginia Legislature and the WVBE that all schools are accountable to a common set of high quality standards, are complying with core policy and Code, and are fulfilling their obligation to continuously improve. The on-site review team assesses the accuracy of the school's electronic submission of the School Monitoring Report. The external team reviews the school strategic plan and supports local school improvement efforts by (1) examining school practices associated with Policy 2322 and providing feedback on school strengths and needs, (2) bringing public notice to school successes by documenting best practices, and (3) identifying any resource, facility, efficiency, and capacity building needs that may be impeding the school's capacity to improve.

6.3.c. Conditions Affecting Grade Verification. The annual and cyclical review processes determine if a school's A through F performance grade is an accurate representation of the school's overall quality and should be approved by the WVBE. There are three conditions affecting approval:

6.3.c.1. Unreliability of Performance Measures. The auditing processes examine school procedures for (1) administering the state student assessments and (2) recording dropout data and other data related to student graduation rate. This review is based on information gained from electronic analysis of student response patterns and investigations conducted by the WVDE prior to the audit, as well as the on-site review of school processes and procedures. Scrutiny of these areas ensures performance measures used to determine a school's accreditation grade are reliable. If it is determined that assessment results or graduation data have been significantly compromised, the OEPA recommends reducing the school's performance grade according to Section 6.3.d of this policy.

6.3.c.2. School Conditions that Significantly Impair Student Academic Success and Well-Being. During the auditing processes based on examination of the School Monitoring Report and/or onsite review, it is the responsibility of the OEPA to identify any conditions that are significantly impairing, or may, if not addressed, significantly impair student academic success and/or well-being as outlined in Extraordinary Circumstances, Section 8.2.f.1. For these conditions to impact a school's performance grade, the conditions must be pervasive and/or serious in nature.

6.3.c.3. Significant Policy and Code Violations. During the auditing processes, the OEPA identifies school policy and Code non-compliances and makes recommendations for corrective action. In cases where non-compliances are pervasive and/or deemed so serious in nature that they threaten the overall quality of school conditions and performance, it will be the responsibility of the OEPA to notify the WVBE and to make recommendations on school corrective action.

6.3.d. Circumstances for Modifying Grades. Modification of a school performance grade is considered only when there are school conditions so serious that the WVBE determines the existing performance grade would be a misrepresentation of the school's overall quality. The WVBE intends that such circumstances be rare and occur only when there is evidence that one of the following three circumstances exist: (1) The school has failed to follow procedures outlined in Section 6.3.c.1 that guarantee accuracy of student performance assessments and/or graduation rates. In this case, the school's performance grade is designated an F rating, regardless of the grade established through the WVAS. (2) The OEPA finds conditions within the school outlined in Section 6.3.c.2. of this policy. These conditions are egregious and may require WVBE direct or indirect intervention in the operation of the school. In this case, the school's performance grade is designated an F rating, regardless of the grade established from the WVAS. (3) If during the auditing processes, the OEPA finds circumstances outlined in Section 6.3.c.3. of this policy and the school does not take appropriate corrective action as directed by the WVBE and/or fails to meet the timelines established by the WVBE, then the WVBE modifies the grade accordingly and in no case will the grade be higher than a C.

6.4. School Responsibilities for Accreditation. In order for accreditation processes to fulfill purposes outlined in W. Va. Code §18-2E-5, to impact student performance levels and to improve school quality, each West Virginia school must determine productive and meaningful ways to integrate accreditation processes into continuous improvement efforts. To that end, the school is responsible for the following:

6.4.a. Develop Knowledge of Policy 2322. The accreditation process is built from standards derived from Policy 2322. All school faculty and members of the LSIC need sufficient knowledge of these standards in order to participate effectively in the school self-assessment process and in the annual and cyclical reviews. Methods for developing understanding of these standards are determined by the school.

6.4.b Complete the School Monitoring Report. Results recorded on the Report are derived from staff and LSIC perceptions. The results are intended to be derived from meaningful discussions among the principal, staff and LSIC members. How time is scheduled for such discussions and the processes used for reaching consensus are determined locally through the leadership of the principal. The responses recorded on the Report are submitted to the OEPA as one basis for the annual and cyclical reviews and for school performance grade verification.

6.4.c. Develop the Strategic Plan. Development of the electronic strategic plan is a collective and collaborative process led by the principal. The staff (1) analyzes student performance data and determines priorities, (2) evaluates school and classroom quality through the School Monitoring Report and other locally determined tools and processes, (3) determines appropriate improvement strategies to impact student performance and well-being, and (4) outlines these strategies in the electronic school strategic plan.

6.4.d. Implement the Strategic Plan. The school implements improvement efforts using action steps and monitoring processes outlined within the school strategic plan. The school annually modifies and adjusts the Strategic Plan as new data and information dictate, including information gleaned from the School Monitoring Report. During the on-site review process, the development and implementation of the plan is examined.

6.4.e. Participate in the On-Site Review Process. The on-site review is a culminating activity designed to verify the school's performance grade and verify the quality of school conditions as reported on the School Monitoring Report. The review process also provides feedback for future school improvement efforts and development of the school strategic plan. School responsibilities during the on-site review are:

6.4.e.1. Prepare for Review. Prior to the cyclical on-site review, the principal is responsible for preparing the staff for productive involvement in the review process with materials provided by the OEPA. One month prior to the scheduled review, the school staff updates the School Monitoring Report to document and summarize the school's overall progress. The principal prepares the staff and stakeholders for the on-site review, including orientation to the logistics, responsibilities, and expectations associated with the process.

6.4.e.2. Participate in Review. During the on-site review process, the principal, school staff, and appropriate stakeholders participate in processes to authenticate the School Monitoring Report. This authentication occurs through (1) review and/or observation of school activities, functions, and materials, (2) interviews of staff, students, and stakeholders, and (3) scrutiny of existing data bases related to student performance and high quality learning conditions

## 126CSR13

6.4.e.3. Participate in Exit Conference. At the conclusion of the school on-site review, the principal participates in an exit report as part of the school system exit conference. As feasible, other school personnel may attend. (See Section 7.3.c.4. of this policy).

6.4.e.4. Address Review Findings. Once the on-site accreditation review report is finalized, the information and recommendations contained in the report become a part of the school self-study for the ensuing improvement cycle. The principal is responsible for sharing and discussing the report with the school staff and LSIC and for using the report in the development or revision of the school strategic plan. If findings are identified in the final report, the principal must work with staff to determine how the deficiencies are to be corrected according to the timelines established by the WVBE.

6.5. County Board of Education Responsibilities for School Accreditation. It is intended that the accreditation process be a method for local boards of education to improve school quality and student performance. Thus, the county board of education through the county superintendent of schools must exercise leadership and provide appropriate support to accomplish this intent.

6.5.a. Implementation. It is the responsibility of the county board of education through the superintendent, to direct, support, and monitor school responsibilities for the accreditation process. The specific responsibilities are:

6.5.a.1. Develop Understanding of Accreditation Processes. The school system is responsible for implementing a professional development process by which principals, teachers, and appropriate stakeholders become knowledgeable of accountability and accreditation processes. The professional development must advance staff knowledge of accountability measures on which school grading is based, procedures for school accreditation, and effects of school and classroom conditions on student performance. Resources for the professional development include Policy 2320, Policy 2322 and the OEPA School Monitoring Report.

6.5.a.2. Establish Local Direction. It is the responsibility of the school system to develop and communicate (1) procedures for local implementation of the school accountability and accreditation processes and (2) expectations regarding the improvement of student performance and school quality.

6.5.a.3. Monitor School Responsibilities: It is the responsibility of the school system to monitor individual school implementation of accreditation processes including the following:

6.5.a.3.A. Completion of the annual School Monitoring Report according to requirements, including holding schools accountable for compiling the report in a collaborative process and basing responses on the perceptions of the school faculty and LSIC members.

6.5.a.3.B. Review and verify the accuracy of the School Monitoring Report.

6.5.a.3.C. Ensure school strategic planning processes consider the annual and cyclical feedback provided through the accreditation process.

6.5.a.3.D. Ensure that all audit review findings are sufficiently addressed according to the directives and timelines established by the WVBE.

6.5.b. Establish Supports and Expectations that Impact Student Performance. It is the responsibility of the county board of education to implement processes, provide supports, and develop expectations that ensure all schools achieve a C or above and all schools are improving. Those responsibilities are:

## 126CSR13

6.5.b.1. Develop instructional leadership skills of principals. Create expectations that all schools are student-centered and learning-focused.

6.5.b.2. Support school continuous improvement and strategic planning processes as outlined in Section 9 of this policy so each school has structures in place for collective self-assessment and goal setting that lead to improved performance.

6.5.b.3. Implement school-based professional development programs that address the unique needs of staff and students.

6.5.b.4. Differentiate support and resources to individual schools according to performance grades, ensuring that all students in the school system have equitable opportunities for success.

6.6. OEPA Responsibilities for School Accreditation. It is the responsibility of the OEPA to provide schools with the tools, information, and feedback necessary for effective participation in the annual and cyclical review process.

6.6.a. Tools. The OEPA will provide each school the tools necessary for participation in the accreditation process, including the electronic School Monitoring Report and orientation materials for participation in the on-site review.

6.6.b. Information. The OEPA will provide documents and offer supports that develop understanding of the accreditation process including: (1) informational brochures on the accreditation system, (2) local and/or regional professional development offerings, (3) regular electronic updates, and (4) guidance on accreditation processes and procedures.

6.6.c. Feedback. The OEPA will provide feedback to individual schools based on the annual and cyclical review processes. This will include: (1) strengths and weaknesses related to Policy 2322, compliance with policy and Code, recognition of best practices, and assessment of resource, facility, efficiency, and capacity building needs; (2) communication of any recommendations or findings resulting from annual or cyclical reviews; and (3) identification of circumstances that may impact modification of the school's performance grade.

### **§126-13-7. School System Approval.**

7.1. Purposes. County board of education leadership, policies, management, and support provided through the superintendent and the school system staff impact student performance and school effectiveness in each school in the school system. The WVBE directs a school system approval process through the OEPA to improve school system quality. The approval process is designed to achieve three purposes:

7.1.a. provide a statewide mechanism for rating the overall quality of each school system based on the performance grades of each school within the school system;

7.1.b. implement a method of publically reporting school system quality to parents and communities, the Governor, and the West Virginia Legislature; and

7.1.c. ensure that each school system fulfills its responsibility to provide a thorough and efficient system of education in each school within the school system.

7.2. Measures and Levels.

7.2.a. Levels. School systems can achieve one of four approval levels. The levels specified in W. Va. Code §18-2E-5 are Full Approval, Temporary Approval, Conditional Approval, and Nonapproval.

7.2.a.1. Full Approval. A school system with Full Approval has all schools within the system earning a C or above performance grade or for those below a C, each is demonstrating acceptable annual improvement according to the WVAS.

7.2.a.2. Temporary Approval. A school system with Temporary Approval has a school or schools falling below a C performance grade and one or more of those school(s) has not made acceptable annual improvement in student performance according to the WVAS. The school system must revise its strategic plan to address the deficiencies affecting performance of those schools and submit this plan for approval to the WVBE within 90 calendar days of Temporary Approval notification.

7.2.a.3. Conditional Approval. A school system with Conditional Approval has a school or schools falling below a C performance grade and one or more of those school(s) has not made acceptable annual improvement in student performance according to the WVAS. The school system has a revised strategic plan approved by the WVBE that addresses the deficiencies in schools having less than a C performance grade and is following the timelines established in that plan. The school system remains on Conditional Approval status until all schools in the system are at or above a C performance grade or those schools below a C performance grade are showing acceptable annual improvement as defined by the WVAS.

7.2.a.4. Nonapproval. A school system may receive Nonapproval status when schools within the system are persistently low performing and when other conditions exist as described in Section 8.3.b. of this policy.

7.3. Review Processes. Beginning school year 2016-2017, all West Virginia school systems participate in cyclical reviews under the direction of the WVBE and managed by the OEPA.

7.3.a. Purposes of Cyclical Reviews. The cyclical review of school systems achieves the following purposes:

7.3.a.1. verifies State Code and policy compliance within the central office of the school system and in each individual school;

7.3.a.2. provides the county board of education feedback on the overall quality of each school within the county as measured by Policy 2322;

7.3.a.3. analyzes resource, facility, and capacity building needs in each individual school and within the school system;

7.3.a.4. identifies prevailing school system strengths and weaknesses to inform system strategic planning; and

7.3.a.5. identifies school and/or school system best practices.

7.3.b. Cycle and Schedule. At least every four years, all West Virginia school systems and each school within the school system participate in a cyclical on-site review. The on-site review is conducted by an external team of educational professionals managed through the OEPA. The on-site reviews are



scheduled according to RESA location, with all school systems within the RESA visited during the same cycle. Two RESAs will be visited each year during a regular four-year cycle. Schedules for conducting reviews are devised by the OEPA and approved by the WVBE. In addition to cyclical reviews the WVBE may conduct special circumstance reviews pursuant to Section 13.5.c. of this policy. The WVBE may at any time alter or adjust the cycle and schedule of on-site reviews.

7.3.c. Processes. The school system on-site review process operates according to the same tenets as those guiding individual school reviews: (1) focus on student performance, (2) transparent standards and policy expectations, and (3) support for local decision-making and strategic planning. The sequence of the review process includes the following:

7.3.c.1. Notification and Preparation. At least one month prior to the on-site review, the OEPA notifies the county superintendent of schools of the specific dates for the school system review. The county superintendent is provided an overview of the schedule, logistics, and expectations.

7.3.c.2. Pre-Meeting. Prior to the on-site review, the OEPA meets with the leadership of the school system. During this meeting, the school system provides an orientation regarding the school system mission, goals, improvement priorities, and needs. The OEPA provides a review of the final schedule, expectations, and procedures.

7.3.c.3. School System Review Protocol. The school system review is conducted by team members with expertise in school system operations, related policy, and Code. The OEPA team conducts interviews, reviews the system policy manual, examines core documents such as county board of education minutes and the school system strategic plan, and evaluates any other documents, reports, information or data that verify school system compliance with Code and policy.

7.3.c.4. Exit Conference, Preliminary Report, and Final Report. At the conclusion of the accreditation review, an exit conference is conducted with the county superintendent, county board of education president (or designee), school principals, and other school personnel, as feasible. During the conference, preliminary findings are reported. This report summarizes school system compliance with policy and Code and includes a profile of each school. The school profile reports include summaries of (1) school compliance with Policy 2322; (2) individual school compliance with policy and Code; (3) findings related to verification of school performance grades; (4) efficiencies, resource, facility, and capacity building needs; and (5) best practices. School and school system staff are provided opportunity to address any inaccuracies or omissions in the report. Within 30 days of the onsite review, the OEPA communicates the findings and recommendations to the county superintendent and county board of education. Recommendations are those areas that may be considered by the school or school system for future improvement action. Findings are those areas that must be addressed by the school or school system according to timelines established by the WVBE. Within a reasonable amount of time after the on-site audit, the WVBE reviews the OEPA report and (1) confirms or modifies performance grades of schools, (2) confirms or modifies the approval level of the school system, and (3) identifies findings with timelines that must be addressed by the school or school system with corrective action.

#### **§126-13-8. School and School System Supports and Consequences.**

8.1. Purpose. All students in West Virginia schools deserve a quality educational program defined in the West Virginia Constitution as thorough and efficient. Any school with a performance grade below a C or any school system not operating at Full Approval is considered below standard and is subject to intervention, support, and/or consequences identified by the WVBE.

8.2. School Supports and Consequences.

8.2.a. Schools with a D Performance Grade. Any school with a D performance grade is operating below acceptable standard. Schools with this performance grade will receive additional supports and monitoring by the county board of education. If performance does not improve, other actions and consequences may ensue.

8.2.a.1. School System Support. The county board of education, through the county superintendent or designee, has the responsibility to work with all schools with a D performance grade to improve student performance. The county superintendent or designee must exercise the following:

8.2.a.1.A. Determine Root Causes. Work with the school principal and staff to analyze root causes of poor student performance, including analysis of relevant performance data, school and classroom conditions, and deficits in resources or capacity. The school system may consider school responses on the WVDE rubrics related to Policy 2322, the School Monitoring Report, or other tools or processes that diagnose causes of poor performance. The school system involves staff in analysis, discussion, and consensus on findings from such tools to determine root causes.

8.2.a.1.B. Determine Improvements, Professional Development, and Support. As a result of the analysis of conditions and determination of root causes, the school system works with the staff to identify changes in practice, resources, or capacity. Identified changes are grounded in research or best practices with an established record for improving student performance. The school system also works with the staff to establish a capacity for addressing student needs.

8.2.a.1.C. Modify the School Strategic Plan and Monitor Progress. The school system assists the staff in documenting identified improvement strategies by revising the school's strategic plan. The school system monitors the implementation and effectiveness of the plan on a regular basis through observation of and interaction with the principal, staff, and students. The school system works with the school staff to adjust the plan when monitoring results so indicate.

8.2.a.1.D. Evaluate Results. The school system, working with the school staff, will determine if improvements are achieving the desired effect on student performance. This evaluation will use monitoring results, performance increases on the WVAS, and other formative data and information.

8.2.a.2. External Supports. External Supports to assist school and school system improvement efforts will be provided by the WVDE, RESAs, the West Virginia Center for Professional Development, and other sources having expertise in school improvement.

8.2.b. Schools with Two Consecutive D Performance Grades. Upon receipt of the second consecutive D grade, the school system must determine if existing school system supports and interventions, given more time, will be effective in improving student performance. If the school system determines that unacceptable improvement has occurred, then other interventions must ensue. The county superintendent or designee must identify external supports and/or target additional resources to the school. This process may involve utilizing external experts and/or resources (1) to evaluate why the practices and processes used by the school failed to affect results and (2) to determine how direct intervention will be used to improve performance.

8.2.c. Schools with Three Consecutive D Performance Grades. Upon receipt of the third consecutive D performance grade, the county board of education through the county superintendent will report a summary of actions, plans, and recommendations to the WVBE. The WVBE will determine one of the following: (1) extend the timeline if viable improvements in conditions and/or acceptable annual

improvement in school performance have occurred, (2) declare extraordinary circumstances exist and intervene directly or indirectly in the operation of the school when decline or unacceptable annual improvement is evidenced, or (3) take other such actions appropriate to the unique circumstances of the school. In determining acceptable annual improvement in school performance, the WVBE will use metrics described in the WVAS. These metrics set a trajectory for growth based on overall school performance.

8.2.d. Schools with an F Performance Grade. Any school with an F performance grade is operating at the lowest level of student performance. Schools with this level of performance must receive immediate, direct, and intensive intervention and support by the county board of education and/or technical assistance providers acting in cooperation with the county board of education. If performance does not improve, other actions and consequences may ensue. The county superintendent or designee must address the following:

8.2.d.1. Intervention and Support. Schools with the lowest level of performance must accelerate the change process and alter those conditions producing poor results. Thus, the school system has the responsibility to provide intensive support and/or necessary resources to alter the school's performance trajectory or to work with external providers to provide such support. The school system must determine if (1) the existing staff has the capacity to improve the school through continuous improvement processes using county supports or (2) immediate external intervention and/or supports are necessary. If the school system believes the school has capacity to improve with county support, then the processes outlined in Section 8.2.a.1.A. through 8.2.a.1.D. of this policy are applied. If external intervention or additional resources are necessary for improvement, then the county superintendent or designee must identify those external supports and/or target additional resources to the school. This process should determine (1) why the practices and processes used by the school have failed to affect results and (2) how additional direct intervention and/or resources will be used to improve performance. In either case, the school has one year to demonstrate improved performance as measured by the WVAS.

8.2.e. Schools with Two Consecutive F Performance Grades. Upon receipt of the second consecutive F performance grade, if the school has made less than acceptable annual improvement in student performance as measured by the WVAS, other actions must ensue. After two consecutive F performance ratings, the county board of education through the county superintendent will report a summary of actions, plans, and recommendations to the WVBE. The WVBE will determine one of the following: (1) extend the timeline if viable improvements in conditions and/or acceptable annual improvement in school performance have occurred, (2) declare extraordinary circumstance exist and intervene directly or indirectly in the operation of the school when decline or unacceptable annual improvement is evidenced, or (3) take other such actions appropriate to the unique circumstances of the school. In determining acceptable annual improvement in school performance, the WVBE will use metrics described in the WVAS. These metrics set a trajectory for growth based on overall school performance.

8.2.f. WVBE Intervention in Schools in Extraordinary Circumstances.

8.2.f.1. Definition. The WVBE intervenes in a school's operation when extraordinary circumstances exist. School extraordinary circumstances are conditions that (1) result in consistently poor student performance as measured by the WVAS and/or (2) constitute major impediments to the provision of educational programs and services for students. Extraordinary circumstances that constitute major impediments to the provision of educational programs and services for students include, but are not limited to, the following conditions:

8.2.f.1.A. physical or other abuse of students;

## 126CSR13

8.2.f.1.B. inappropriate suspensions and/or expulsions;

8.2.f.1.C. misappropriation of funds; misuse of public funds;

8.2.f.1.D. falsification of reports and/or failure to submit required reports;

8.2.f.1.E. violation of W. Va. Code and WVBE policies that impact the provision of an appropriate educational program;

8.2.f.1.F. unhealthy or unsafe conditions for students and/or employees; or

8.2.f.1.G. failure to provide a high quality and equal educational opportunity for students which are directly attributed to deficiencies in leadership, school and classroom learning conditions, and the school's resources in facilities, personnel, curriculum, and/or equipment and materials.

8.2.f.2. Intervention. The WVBE may exercise general supervisory responsibility and intervene through any of the following processes:

8.2.f.2.A. The WVBE may (1) appoint monitors and/or support teams to work with the principal and staff of the school where extraordinary circumstances exist or (2) appoint monitors to assist the school principal after intervention in the operation of a school is completed.

8.2.f.2.B. The WVBE may direct a county board of education to target resources to assist a school where extraordinary circumstances are found to exist.

8.2.f.2.C. The WVBE may intervene directly in the operation of a school and declare the position of principal vacant and assign a principal for the school who will serve at the will and pleasure of the WVBE. If the principal who was removed elects not to remain an employee of the county board of education, then the principal assigned by the WVBE shall be paid by the county board. If the principal who was removed elects to remain an employee of the county board of education, then the following procedure applies: (1) the principal assigned by the WVBE shall be paid by the WVBE until the next school term, at which time the principal assigned by the WVBE shall be paid by the county board of education; (2) the principal who was removed shall be eligible for all positions in the county including teaching positions, for which the principal is certified, by either being placed on the transfer list in accordance with W. Va. Code §18A-2-7, or by being placed on the preferred recall list in accordance with W. Va. Code §18A-4-7; and (3) the principal who was removed shall be paid by the county board of education and may be assigned to administrative duties, without the county board of education being required to post that position until the end of the school term; and (4) such other powers and actions the WVBE determines necessary to fulfill its duties of general supervision of the schools and school systems of West Virginia.

8.2.f.2.D. The county board of education may take no action nor refuse any action if the effect would be to further impair the school or the actions of the WVBE in the school where intervention has taken place.

### 8.3. School System Support and Consequences for Nonapproval Status.

8.3.a. School System Support. It is the responsibility of any school system with less than Full Approval status to seek support to improve performance. External support providers include the WVDE,

RESAs, West Virginia Center for Professional Development, and other sources having expertise in school and school system improvement.

8.3.b. Conditions for Nonapproval. A school system may receive Nonapproval status under six conditions: (1) the school system fails to submit and gain approval of the electronic strategic improvement plan; (2) the school system has a Temporary Approval status and fails to submit and/or gain approval of the revised electronic strategic improvement plan according to guidelines of the WVBE; (3) the school system meets the definition of extraordinary circumstances as defined in Section 8.3.b.1. of this policy; (4) the school system fails to submit, gain approval, or follow the plan for correcting more than a casual deficit as defined in Section 8.3.b.2. of this policy; (5) the school system fails to cause acceptable increases in student performance in schools with a D or F designation as measured by the WVAS; or (6) the school system, while under state intervention, has failed to meet conditions established by the WVBE for regaining local control.

8.3.b.1. Extraordinary circumstances. School system extraordinary circumstances are (1) pervasive and consistent poor performance across the school system as measured by the WVAS and (2) conditions that threaten the health, safety, educational quality of students, or fiscal solvency within the school system. These conditions include:

8.3.b.1.A. misappropriation of funds; misuse of public funds;

8.3.b.1.B. falsification of reports and/or failure to submit required reports;

8.3.b.1.C. violation of W. Va. Code or West Virginia Board of Education policies that impact the provision of an appropriate educational program;

8.3.b.1.D. unhealthy or unsafe conditions for students and/or employees;

8.3.b.1.E. failure to provide a high quality and equal educational opportunity for students; and/or

8.3.b.1.F. deficiencies in leadership.

8.3.b.2. Addressing Deficits. Whenever a county board of education has more than a casual deficit, the county board of education shall submit a plan to the WVBE specifying strategies for eliminating the casual deficit. The WVBE shall either approve or reject the plan. Any county board of education that (1) fails to submit and gain approval for the plan before the end of the fiscal year after a deficit greater than a casual deficit occurred or (2) any county board of education which fails to comply with an approved plan may be designated as having nonapproval status.

8.3.c. WVBE Actions for Nonapproval Status. Whenever Nonapproval status is issued to a school system, the WVBE shall declare a state of emergency in the school system by written notification and shall appoint a team of improvement consultants to make recommendations within 60 days of appointment for correcting the emergency.

8.3.c.1. Upon approval of the recommendations by the WVBE, the recommendations shall be made in writing to the county board of education. If progress in correcting the emergency, as determined by the WVBE, is not made within six months of receipt of the recommendations, the WVBE shall intervene in the operation of the school system to cause improvements to be made that will provide assurances that a thorough and efficient system of schools will be provided. This intervention may include, but is not limited to the following:

## 126CSR13

8.3.c.1.A. Limiting the authority of the county superintendent and county 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 rules, and any other areas designated by the WVBE by rule, which may include delegating decision-making authority regarding these matters to the state superintendent of schools.

8.3.c.1.B. Declaring the office of the county superintendent vacant;

8.3.c.1.C. Delegating to the state superintendent of schools both the authority to conduct hearings on personnel matters and school closure or consolidation matters, and subsequently, to render the resulting decisions, and the authority to appoint a designee for the limited purpose of conducting hearings while reserving to the state superintendent of schools the authority to render the resulting decisions;

8.3.c.1.D. Functioning in lieu of the county board of education in a transfer, sale, purchase, or other transaction regarding real property; and

8.3.c.1.E. Taking any direct action necessary to correct the emergency including, but not limited to, the following: (1) delegating to the state superintendent of schools the authority to replace administrators and principals in low performing schools and to transfer them into alternate professional positions within the county at his or her discretion; and (2) delegating to the state superintendent of schools the authority to fill positions of administrators and principals with individuals determined by the state superintendent of schools to be the most qualified for the positions. Any authority related to intervention in the operation of a county board granted under this paragraph is not subject to the provisions of article four, chapter eighteen-a of the W. Va. Code §18A-4.

8.3.c.1.F. The WVBE may intervene immediately in the operation of a school system if the WVBE finds the following: (1) that the conditions precedent to intervention exist as provided in this section and that delaying intervention for any period of time would not be in the best interest of the students of the school system; or (2) that the conditions precedent to intervention exist as provided in this section and that the WVBE had previously intervened in the operation of the same school system and had concluded that intervention within the preceding five years.

### **§126-13-9. Continuous Improvement and Strategic Planning.**

9.1. Purpose. It is the responsibility of all school systems and individual schools, regardless of performance, to have viable structures and processes for improving the quality and equity of student performance. As specified in W. Va. Code §18-2E-5, continuous improvement shall be addressed as part of the accreditation processes.

9.2. School System Continuous Improvement. Every school system must model those quality improvement processes expected of schools. That includes having clear beliefs about teaching and learning that guide school system decisions, a focused mission that establishes a unified direction, and goals derived from an organized process of data analysis and study of programs and processes. Ultimately, the school system's improvement process must determine how school system leadership, resources, services, supports, and policies can be best utilized to improve the school and classroom learning conditions that impact student performance. W. Va. 126CSR42, WVBE Policy 2510; Assuring the Quality of Education; Regulations for Education Programs, hereinafter Policy 2510, outlines specific requirements for managing the continuous improvement processes at the school system level. For school accreditation and accountability, the school system continuous improvement process must include the following:

9.2.a. Requirements.

9.2.a.1. Analysis of Accountability Data. As a basis for continuous improvement and strategic planning, every school system must conduct a thorough analysis of accountability data. This includes analysis of individual school data as well as composite data for the entire school system. Analysis processes address each area of the WVAS and are designed to determine both areas that must be addressed system-wide and areas that must be a priority for individual school support.

9.2.a.2. Support for Schools earning a D or F Performance. Schools earning a D or F performance rating are operating below acceptable standards for a thorough and efficient system of public education. The school system is obligated to address the needs of these schools through school system continuous improvement processes and the system strategic plan.

9.2.a.3. Support for Schools with Accreditation Findings. During annual and cyclical review processes, schools with accreditation findings are expected to address these areas within timelines established by the WVBE. It is the responsibility of the school system to work with these schools to ensure that all deficiencies are addressed. In cases where deficiencies are widespread within the school system as noted in the OEPA exit review report, those areas must be addressed in the school system continuous improvement processes and in the school system strategic plan.

9.2.b. School System Strategic Planning.

9.2.b.1. Purposes. The school system strategic plan is the core document for identifying and communicating the school system's priorities for improvement that lead to improved performance in all schools and assuring that no school has a performance designation of less than a C.

9.2.b.2 Development Process. The school system strategic plan is developed using an electronic format provided by the WVDE, as approved by the WVBE. The plan is guided and written by educational personnel and stakeholders in accordance with Policy 2510. Related to accreditation and accountability processes, the school system strategic plan includes (1) analysis of accountability data as outlined in the WVAS; (2) strategies to provide targeted support and technical assistance for schools with a D or F performance grade; (3) support for any schools with findings and directives from the WVBE resulting from an accreditation review; and (4) strategies for improving the overall performance of all schools.

9.2.b.3. Contents. The contents of the school system strategic plan are determined by the school system under the direction of the county superintendent. At a minimum, the plan includes core beliefs, mission, goals, measurement evidence, action steps, professional development and technical assistance.

9.2.b.4. Revision. Revisions to the strategic plan are made annually as new data and information indicate and in circumstances when there are directives of the WVBE as outlined in this policy.

9.2.b.5. Approval of the county board of education. As the core document for school system direction, the school system strategic plan is approved through formal action of the county board of education.

## 126CSR13

9.2.b.6. Approval of the WVBE. The school system strategic plan, once approved by the county board of education, is electronically submitted to the WVDE for review and presented to the WVBE for approval.

9.3. School Continuous Improvement. Each school is accountable for implementing continuous improvement and strategic planning as outlined in Policy 2510 and to work toward achieving high levels of student performance as specified below:

9.3.a. Create a Structure and Process for Continuous Improvement. Each school must create a process and structure for managing improvement that is appropriate to the needs and size of the school. This process should include: (1) a designated team or committee(s) who orchestrate the school's improvement efforts; (2) a process of using data and information to determine needs; and (3) on-going professional development and research on how to best improve school and classroom processes and strategies. The improvement process is facilitated by the principal but involves teachers, staff, and stakeholders in decision-making and leadership roles. The principal makes improvement a focus by developing staff collective knowledge of needs and by developing an understanding of and commitment to the school's improvement priorities.

9.3.b. Analyze Student Performance Data. School improvement priorities are grounded in analysis of student performance data. Analysis is guided by the school system but must include in-depth review of school accountability data and other data sources appropriate to the programmatic level of the school.

9.3.c. Assess School and Classroom Learning Conditions. To improve student performance, the school staff and stakeholders must determine how to modify existing school and classroom learning conditions (as defined in Policy 2322 and other WVBE policies) through thoughtful self-study, meaningful conversations, and a facilitated decision-making process. It is recommended that each school use information and data provided by the school system, RESAs, the WVDE, or other entities to complete the self-study. Ultimately, the self-study must assist staff in determining the root causes of student performance deficits and help determine changes needed in school and classroom practice. At a minimum, every school staff must utilize (1) the School Monitoring Report (which in part is based on classroom learning conditions defined in Policy 2322) and (2) summary employee evaluation data and professional development needs to guide improvement priorities.

9.3.d. Develop and Implement the Strategic Plan. The school electronic strategic improvement plan is the culmination of a school's self-study of student performance data and school and classroom learning conditions. The strategic plan format is determined by the WVDE, as approved by the WVBE. The school plan is developed according to the following:

9.3.d.1. The plan must include the school's core beliefs, mission, goals, measurement evidence, action plan, and professional development needs.

9.3.d.2. The plan is developed under the direction of the principal with collective involvement and input from the staff and the LSIC.

9.3.d.3. The strategies and action plan incorporated into the plan are based on examination of best practices and innovative approaches to improving student performance and addressing student needs.

9.3.d.4. All members of the school staff are responsible for implementing the plan.



## 126CSR13

9.3.d.5. The principal is responsible for monitoring the implementation of the plan and for communicating progress to staff and stakeholders.

9.3.d.6. The plan is updated and revised as data and information dictate based on the tenets of continuous improvement. Annual updates to the plan must consider the OEPA School Monitoring Report when this report identifies deficits in quality or compliance.

9.3.e. School System Responsibilities for School Continuous Improvement. The school system has the following responsibilities:

9.3.e.1. Ensure each school is led by a principal who is knowledgeable of continuous improvement processes and capable of leading effective improvement efforts;

9.3.e.2. Build school capacity for improvement through supporting effective school improvement teams, self-study processes, and school-based professional development;

9.3.e.3. Assist schools in creating schedules and allocating time for staff to work on school improvement efforts;

9.3.e.4. Establish direction and expectations through school system goal-setting grounded in analysis of student performance data;

9.3.e.5. Review and approve school strategic plans and monitor implementation of the plans including providing direction on data to be analyzed, information to be reviewed, local priorities to be addressed, and outcomes to be achieved;

9.3.e.6. Ensure school strategic plans are developed and implemented through collaborative processes that build staff knowledge, understanding, and commitment to the school's improvement priorities;

9.3.e.7. Differentiate school system supports and assistance according to school needs in order for each school to improve and for each school to meet a C or higher level of student performance; and

9.3.e.8. Verify to the WVDE that all school plans have been submitted, reviewed, and approved by the county superintendent or designee.

9.4. WVBE Responsibilities for School and School System Continuous Improvement. The WVBE is responsible for creating processes to support and monitor continuous improvement through the following entities:

9.4.a. The WVDE. The WVDE is responsible for:

9.4.a.1. Creating and distributing the electronic template, as approved by the WVBE, through which the school and school system strategic plan is recorded;

9.4.a.2. Establishing timelines for the submission of the school and school system strategic plans;

9.4.a.3. Monitoring school system plan submissions to ensure that plans include the core components outlined in WVBE Policy and W. Va. Code;

9.4.a.4. Providing leadership and technical assistance on effective continuous improvement and strategic planning processes;

9.4.a.5. Providing data, tools, and resources that support effective continuous improvement and strategic planning processes; and

9.4.a.6. Providing input and feedback on the contents of school system strategic plans for those school systems that have not achieved Full Approval status, or for any other school system where the WVDE believes appropriate.

9.4.b. The OEPA. The OEPA is responsible for monitoring and reporting the submission of school and school system plan revisions when such plan revisions result from WVBE directives and accreditation findings.

9.4.c. The WVDE, RESAs, and the West Virginia Center for Professional Development. These agencies are responsible for responding to regional and statewide school and school system professional development needs as identified in the school and school system strategic plans and from reports compiled as a result of the OEPA accreditation reviews.

#### **§126-13-10. Rewards and Recognition.**

10.1. Purposes. The purposes of the WVBE rewards and recognition program are (1) to focus public attention on the quality efforts of West Virginia educators through a prestigious and public process of recognition and (2) to reward schools that exhibit the highest levels of school quality and/or improvement in student performance and school quality as determined through the school accreditation process.

10.1.a. Recognitions. Recognition is awarded to schools achieving (1) the highest levels of student performance or (2) improvement in student performance resulting in grade level increase.

10.1.b. Criteria. During accreditation process, all performance grades will be verified by the OEPA. This verified status will form the basis of the West Virginia reward and incentive system. The criteria for recognition follow:

10.1.b.1. Award for Highest Performance. The award is given to any school earning the A performance grade as determined by the WVAS and verified by the OEPA;

10.1.b.2. Award for Progress. The award is given to any school achieving a one grade level performance improvement from one year to the next as determined by the WVAS and verified by the OEPA. To be eligible for the Progress award, a school must achieve at least a C performance level.

10.1.c. Rewards/Recognition. Schools earning awards for either high performance or progress will be recognized through a public recognition program, and by such other method or means authorized by the Legislature or WVBE.

#### **§126-13-11. Needs Analysis, Capacity Building, and Efficiencies.**

11.1. Purpose. W. Va. Code §18-2E-5 requires the WVBE to provide a method for assessing school and school system needs including resources, facilities, capacity building, and efficiencies. This requirement is derived from the requirement for and definition of a thorough and efficient system of

public education and based on the assurance that resources are targeted strategically to improve student performance.

11.2. Elements. Capacity Building and Resources.

11.2.a. Capacity building. To ensure efficiency, capacity building determinations must be made with respect to the best use of existing human resources to improve teaching and learning. The accreditation process will monitor the school system's (1) efforts to attract and retain high quality personnel, (2) processes and supports put in place to advance the individual and collective skills of staff through professional growth, (3) processes for developing and placing high quality leaders in each school, and (4) processes for developing continuous improvement that enables the principal and staff to collectively assess and improve the quality of school and/or classroom practices.

11.2.b. Resources. A thorough and efficient system of schools requires the provision of an adequate level of appropriately managed resources. The WVBE requires the OEPA to include resource evaluation as a part of the accreditation and evaluation process. This process exists to meaningfully evaluate the needs for facilities, transportation, personnel, curriculum, equipment, and materials in each of the county's schools and how those resources impact programs and student performance. The WVBE hereby recognizes that W. Va. Code §18-2E-5 adopts resource evaluation as one of the necessary steps to make determinations for needed capacity building to improve efficiency and establish priorities for additional resource needs when the educational program of a school or school system fails to meet the performance and process standards.

11.3. Reporting Process.

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

11.3.a.1. Examining reports and electronic strategic improvement plans regarding the performance and progress of students, schools, and school systems relative to the standards and identifying the areas in which improvement is needed;

11.3.a.2. Determining the areas of weakness and of ineffectiveness that appear to have contributed to the substandard performance of students or the deficiencies of the school or school system;

11.3.a.3. Determining the areas of strength that appear to have contributed to exceptional student, school, and school system performance and progress, and promoting their emulation throughout the system;

11.3.a.4. Requesting technical assistance from the School Building Authority in assessing or designing comprehensive educational facilities plans;

11.3.a.5. Recommending priority funding from the School Building Authority based on identified needs;

11.3.a.6. Requesting special staff development programs from the Center for Professional Development, the Principals' Academy, higher education, RESAs, and county boards of education based on identified needs;

## 126CSR13

11.3.a.7. Submitting requests to the Legislature for appropriations to meet the identified needs for improving education;

11.3.a.8. Directing county boards to target their funds strategically toward alleviating deficiencies;

11.3.a.9. Ensuring that the need for facilities in counties with increased enrollment is appropriately reflected and recommended for funding;

11.3.a.10. Ensuring that the appropriate person or entity is held accountable for eliminating deficiencies; and

11.3.a.11. Ensuring that the needed capacity is available from the state and local level to assist the school or school system in achieving the standards and alleviating the deficiencies.

11.3.b. Resource evaluation is a part of the education performance audit and will lead to recommendations identifying areas in which additional capacity is needed by the school system or school. Corrective measures to be taken in response to any identified resource deficiencies will be subject to the feasibility of modifying existing facilities, availability of funding, and prioritization of educational needs.

11.3.c. Facilities and equipment specified in W. Va. 126CSR172, WVBE Policy 6200, Handbook on Planning School Facilities, hereinafter Policy 6200, Chapters 1 through 14, are available in all schools, classrooms, and other required areas. A determination will be made by using the Process for Improving Education (W. Va. Code §18-2E-5) whether any identified deficiencies adversely impact and impair the delivery of a high quality educational program due to inadequacies or inappropriate management in the areas of facilities, equipment, and materials. The OEPA teams shall utilize an assessment instrument for the evaluation of school facilities which generally follows the requirements of Policy 6200. Corrective measures to be taken in response to any identified resource deficiency will of necessity be subject to the feasibility of modifying existing facilities, consideration of alternative methods of instructional delivery, availability of funding, and prioritization of educational needs through the Ten-Year Comprehensive Educational Facilities Plan and the School Building Authority. This policy does not change the authority, judgment, or priorities of the School Building Authority which is statutorily responsible for prioritizing "Need" for the purpose of funding school improvements or school construction in the State of West Virginia or the prerogative of the Legislature in providing resources. (Policy 6200 and *Tomblin v. Gainer*)

### **§126-13-12. Communication of Performance Grades and Approval Levels.**

12.1. Purpose. Implement a system of public notification which clearly communicates the level of quality of each West Virginia school and school system to parents, the public, and the educational community.

12.2. Process and Responsibilities. The WVBE, the OEPA, school systems, and schools are responsible for communicating the performance levels of schools using the A through F grading system.

12.2.a. The WVBE. The WVBE approves school performance grades and school system approval levels based on the OEPA verification processes. Once approved, all grades will be communicated to schools and school systems, released to all appropriate media, and posted on the WVDE website in a prominent place accessible to the public.

## 126CSR13

12.2.b. The OEPA. The OEPA will publish all school performance grades and school system approval levels in an electronic Annual Report of West Virginia School and School System Ratings. This report of ratings will be used as a composite examination of school quality and will be reported to the Legislature, the WVBE, and the public. The report of ratings will be released to all appropriate media and will be posted in a prominent place accessible to the public on the OEPA website.

12.2.c. School System. The county superintendent of schools will report school performance level grades and the school system approval rating to the county board of education during a county board of education meeting within 60 days of WVBE action regarding status. This report will include an explanation of the accreditation levels and the potential implications for school system planning. The school and school system ratings will be posted in a prominent place accessible to the public.

12.2.d. Schools. The principal will communicate the school performance level designation to the school faculty senate and LSIC during the next regular meeting of each entity after WVBE approval of the rating. This report will include an explanation of the performance level rating and the potential implications for school strategic planning. The school accreditation level will be posted in a prominent place accessible to the public.

### **§126-13-13. Operation of the OEPA.**

13.1. Purpose and Scope. The OEPA is one agency through which the WVBE fulfills its responsibility to generally supervise West Virginia public schools and school systems. This is carried out through reviewing processes and the procedures associated with annual, cyclical, and special circumstance reviews.

13.2. Supervision. The OEPA operates under the direct supervision of the WVBE independent of the functions and supervision of the WVDE and state superintendent of schools. The OEPA reports directly to the WVBE in carrying out its duties.

13.3. Operations. The OEPA is headed by a director appointed by the WVBE who serves at the will and pleasure of the WVBE. The WVBE organizes and sufficiently staffs the office to fulfill the duties assigned to it by law and by the WVBE. Employees of the WVDE who are transferred to the OEPA shall retain their benefits and seniority status with the WVDE. The OEPA operates within a budget stipulated by the WVBE and supervised by the executive director of the OEPA. The WVDE acts as the fiscal agent for the OEPA; all allocation of and approval of the expenditure of funds rests under the authority of the director of the OEPA. Under the direction of the WVBE, the OEPA receives support provided by the WVDE information systems staff on research and data analysis of student, school, and school system performance and progress. Further, the OEPA receives assistance, as determined by the WVBE, from the WVDE, RESAs, Center for Professional Development, Principals' Academy, and School Building Authority to carry out the duties assigned to the office.

13.4. Duties. In addition to other duties which may be assigned to it by the WVBE by statute, W. Va. Code §18-2E-5 identifies the following duties of the OEPA:

13.4.a. Assures that all statewide assessments of student performance used as annual performance measures are secure as required in Code and policy;

13.4.b. Administers all accountability measures as assigned by the WVBE, including, but not limited to processes for the accreditation of schools, the approval of school systems and recommendations to the WVBE;

## 126CSR13

13.4.c. Determines, in conjunction with the assessment and accountability processes, what capacity may be needed by schools and school systems to meet the standards established by the WVBE and recommend to the WVBE plans to establish those needed capacities;

13.4.d. Determines, in conjunction with the assessment and accountability processes, whether statewide system deficiencies exist in the capacity of schools and school systems to meet the standards established by the WVBE, including the identification of trends and the need for continuing improvements in education, and report those deficiencies and trends to the WVBE;

13.4.e. Determines, in conjunction with the assessment and accountability processes, staff development needs of schools and school systems to meet the standards established by the WVBE and make recommendations to the WVBE, the West Virginia Center for Professional Development, the RESAs, the West Virginia Higher Education Policy Commission and the county boards of education;

13.4.f. Identifies, in conjunction with the assessment and accountability processes, school and school system best practices that improve student, school, and school system performance and make recommendations to the WVBE for recognizing and rewarding schools and school systems and promoting the use of best practices. The WVBE provides information on best practices to school systems and uses information identified through the assessment and accountability processes to select schools for recognition; and

13.4.g. Develops reporting formats, such as check lists, which are used by the appropriate administrative personnel in schools and school systems to document compliance with various applicable laws, policies, and process standards as considered appropriate and approved by the WVBE. Information contained in the reporting formats is subject to examination during an on-site review to determine compliance with laws, policies and standards. Intentional and grossly negligent reporting of false information are grounds for dismissal.

### 13.5. Responsibilities.

13.5.a. Conduct annual electronic reviews of all schools. These reviews verify the schools' performance grades and gather information on policy and Code compliance; adherence to Policy 2322; resource, facility, capacity building needs; and school best practices. The OEPA manages all aspects of this process including preparation of tools, communication to schools, and internal facilitation of the electronic review process.

13.5.b. Conduct cyclical on-site reviews of all schools and school systems. These reviews investigate the accuracy of annual school electronic reviews and evaluate school system compliance with policy and Code. The OEPA will manage all aspects of this process including selection of team members, professional development of team members, recommendation of schedules to the WVBE, development of review tools and processes, and advance communication to schools and school systems,

13.5.b.1. Review Team Membership. On-site review team members are selected based on expertise in school high quality learning conditions and knowledge of school and county policy and Code. The size of the team is commensurate with the size of schools and school systems being reviewed. All teams include members with experience in the programmatic area of the schools to be visited and such professionals as teachers, principals, counselors, central office staff, WVDE, and other personnel unless specifically precluded by WVBE policy and/or Code.

13.5.b.2. Review Team Professional Development. Except in emergencies, all team members serving on on-site reviews are required to successfully participate in a comprehensive audit

training program. Annual accreditation training programs are held to develop (1) an understanding of the goals, premises, and tenets on which accreditation processes are based; (2) team member knowledge of the WVBE Policy 2322 and the indicators and evidence appropriate for judging verification; (3) understanding core policy and Code requirements and the appropriate evidence to determine compliance; and (4) the process skills of interviewing, information gathering, and consensus building that allow the team to fairly and accurately provide feedback to the school and school system.

13.5.c. Conduct special circumstance reviews. The OEPA conducts interim on-site reviews of schools and school systems at the specific direction of the WVBE upon its determination that circumstances exist that warrant such reviews. The OEPA will complete these reviews and manage processes according to the unique circumstance of each special review. Any discussion by the WVBE of schools or school systems to be subject to an on-site review or dates for which on-site reviews will be conducted may be held in executive session and are not subject to the provisions of W. Va. Code §6-9a relating to open governmental meetings.

13.5.c.1. Process for special circumstance reviews. A special on-site review is conducted by the OEPA of a school or school system for the purpose of making recommendations to the school and school system, as appropriate, and to the WVBE on such measures as it considers necessary. The on-site review may include, but is not limited to, the following: (1) verifying data reported by the school or school system; (2) examining compliance with the laws and policies affecting student, school and school system performance and progress; (3) evaluating the effectiveness and implementation status of school and school system electronic strategic improvement plans; (4) investigating official complaints submitted to the WVBE that allege serious impairments in the quality of education in schools or school systems; (5) investigating official complaints submitted to the WVBE that allege that a school or county board of education is in violation of policies or laws under which schools and county boards of education operate; (6) determining and reporting whether required reviews and inspections have been conducted by the appropriate agencies, including, but not limited to, the State Fire Marshal, the Local Health Department, the School Building Authority, and the responsible divisions within the WVDE, and whether noted deficiencies have been or are in the process of being corrected; and (7) examining county board of education intervention, support and capacity building in schools with a D or F designation when such local actions have failed to cause acceptable increases in student performance as measured by the WVAS. The Director of the OEPA notifies the county superintendent of schools five school days prior to commencing a special on-site review of the school system and notifies both the county superintendent and the principal five school days before commencing an on-site review of an individual school: provided, that the WVBE may direct the OEPA to conduct an unannounced on-site review of a school or school system if the WVBE believes circumstances warrant an unannounced on-site review.

13.5.c.2. Reporting. At the conclusion of a special on-site review of a school system, the OEPA holds an exit conference with the superintendent and shall provide an opportunity for principals to be present for at least the portion of the conference pertaining to their respective schools. In the case of an on-site review of a school, the exit conference is held with the principal and other school personnel as feasible and the superintendent is provided the opportunity to be present. The purpose of the exit conference is to review the initial findings of the on-site review, clarify and correct any inaccuracies, and allow the opportunity for dialogue between the reviewers and the school or school system to promote a better understanding of the findings. The OEPA reports the findings of an on-site review to the county superintendent and the principals whose schools were reviewed within 30 days following the conclusion of the review. The OEPA reports the findings of the on-site review to the WVBE within a reasonable amount of time after the conclusion of the on-site review.

13.5.d. Utilize an early detection system. As part of the annual school review process, the OEPA utilizes an early detection system as specified in W. Va. Code §18-2E-5. This system uses information

## 126CSR13

provided by the WVDE on such areas as student performance, pupil safety and well-being, personnel, finance, and other areas that may signify cause for early intervention by the WVBE or for support by such entities as the WVDE, RESAs, the West Virginia Center for Professional Development, or the school system central office.

13.5.e. Prepare reports and recommendations resulting from annual, cyclical, and special reviews. These documents organize data and information in formats from which the WVBE can make decisions, issue appropriate directives, and communicate important trends or findings to educators, stakeholders, and policy makers.

### **§126-13-14. General Appeals Procedure.**

14.1. General rules. The following procedure prescribed by the WVBE and implemented by the Director of the OEPA governs the disposition of administrative proceedings, the hearing of appeals, and controversies and disputes arising from the school accreditation status and the school system approval status. The appeals procedure is promulgated to assure procedural due process and expeditious processing and resolution of school accreditation status and school system approval status appeals.

14.1.a. Parameters. The appeals procedure governs school accreditation status and/or school system approval status. The appeal may address inaccuracy in findings relative to performance ratings, compliance with policy and Code, performance grade certification of schools, and other areas outlined in the final report issued by the OEPA as determined from data and/or on-site review.

14.1.b. Appeal Levels. A school system has five days upon receipt of the impending designation to appeal to the OEPA. The school system must use the designated appeals forms provided from the OEPA.

14.1.b.1. Level I. Upon receipt of the written appeal, the Director of the OEPA, or designee, will review the appeal. A written decision will be rendered and sent to the school system within five working days of receipt of the appeal.

14.1.b.2. Level II. If the school or school system is dissatisfied with the decision at Level I, it may request (within five working days of receipt of the Level I decision) a hearing before the Director of the OEPA, or designee with a written decision rendered within five working days of the hearing.

14.1.b.3. Level III. If the school or school system is dissatisfied with the decision at Level II, it may submit an appeal (within five working days of receipt of the Level II decision) to the WVBE to be considered within 60 days. The WVBE's review and decision is based on the record of Levels I and Level II of the appeals process and is final.

14.1.c. Reporting. The WVBE reports all appeals received through the preceding school year to the West Virginia Legislative Oversight Commission of Education Accountability during its annual July meeting.

### **§126-13-15. Severability.**

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