

HB206 SUMMARY

1. Education Sales Tax Holiday (§11-15-9s)

Starting 7/1/21, provides sales tax holiday (essentially first weekend in August) for certain purchases of school supplies, instructional materials, computers, and sports equipment.

2. Mountaineer Challenge Academy (MCA) Expansion (§15-1B-24)

Authorizes MCA located in Preston County to enroll students up to its capacity. Also allows MCA to expand to second location in Fayette County (capacity not specified).

3. Mountain State Digital Literacy Project (§18-2E-12)

Requires WVBE to implement digital literacy pilot project beginning in 2020-2021 school year. Schools participating are to be provided with instructional resources for students and teachers that feature extensive curriculum related to digital literacy and internet safety. The WVBE is to report to the Governor and LOCEA in 2025 an evaluation of pilot project's impact on performance and progress at pilot schools.

4. County BOE Policies Promoting School Effectiveness (§18-5-14)

Removes requirement that policies adopted by county BOEs to promote school board effectiveness be filed with WVBE. Removes requirement that county BOE meet annually with LSIC at each school and replaces it with the requirement that the county BOE meet annually with LSIC of each school deemed to be low performing per accountability system. At least 30 days before such meeting, county BOE required to submit to the LSIC a meeting agenda requiring school principal and LSIC chair to conduct dialogue at meeting where parents, students, employees, business partners, and other interested parties are given opportunity to make specific suggestions on how to address issues which are seen to affect the school's academic performance. Reports by county superintendent concerning school's performance are also to be addressed. The requirement that county BOE report details concerning LISC's meetings to WVBE is removed.

5. Student Transfers (§§18-5-16 & 16a)

Prospectively revises the inter-county transfer process (county-to-county, not school-to-school within a county) by authorizes a county BOE to establish an open enrollment policy that is to include admission criteria, application procedures, transportation provisions, timelines, and restrictions due to building constraints. Preferences may be given to certain students, such as students that move out of county, children of county employees, students living substantially closer to a school in neighboring county, etc. Allows counties the option to provide transportation to out of district students and requires that transportation be provide to any out of district student that has an IEP that specifies transportation is necessary. Also permits county BOE, at its discretion, to pay agreed upon tuition for students that it sends out of state (clean-up language for sunseting of 18-5-16a). Clarifies that a county's open enrollment policy does not alter or supersede the SSAC's eligibility requirements.

6. Teacher-pupil Ratio (§18-5-18a)

Requires WVDE to survey districts on overcrowding and submit a plan for reducing class size in such areas by 7/1/20. The survey is to include the effect of class size limits on: (1) student learning when limits placed in elementary school, and in middle school where students have different teachers for different subjects; (2) equity among teachers in middle school where class size is limited for some teachers and not others, including additional pay for classrooms exceeding class limits; and (3) school system's ability to offer elective courses at secondary level.

7. School Counselors (§18-5-18b)

Modifies the percentage of counselor time spent on direct counseling services to students and administrative duties by: (1) increasing time on direct counseling services from 75% to 80%, and (2) decreasing time on administrative duties from 25% to 20%.

8. Student Promotion (§18-5-46)

Declares that teacher's recommendation on whether a student to advance to the next grade level shall be primary consideration when making that determination.

9. Exceptional Needs Expenditures (§18-5-48)

Allows (optional) county BOE to adopt policy establishing exceptional needs fund from surplus funding for students likely to perform better outside the public school setting. The policy may include, in addition to anything county BOE deems appropriate: (1) allowing funds for services/materials necessary for educational success not met within the district, (2) amount of funds that is to be deposited into fund (may differ yearly based on surpluses), (3) what funds may be used for, (4) measures protecting against improper use, (5) conditions when payments from fund should cease, (6) eligibility requirements for education service providers to accept funds, and (7) requirement that overpayment of funds shall revert back to fund.

10. Local School Improvement Councils (LSIC) (§18-5A-2)

Increases number of at-large members on LSIC from 2 to 3. Increases number of additional representatives that may be appointed at MCVCs and comprehensive middle and high school LSICs from 2 to 4. Increases the notice requirement a principal is required to give of organizational meeting from 2 employment days to 5 employment days. Removes limitation on number of terms a LSIC member may serve as chair (currently 2). Increases the notice requirement a LSIC chair is required to give for meetings from 2 employment days to 5 employment days. Replaces required annual LSIC meeting on discipline be replaced with meeting on school's academic performance and standing as determined by measures adopted by WVBE. There is to be dialogue at such meeting where parents, students, employees, business partners, and other interested parties are given opportunity to make specific suggestions on how to address issues which are seen to affect the school's academic performance; LSIC required to give 10 employment days notice for this meeting. Acknowledges LSIC ability to propose alternatives and seek waivers of rules, policies, and statutes regarding operation of the school (via §18-5A-3). Schools are to cooperate with LSICs in policies adopted relating to encouraging students to adopt healthy lifestyles and communicate to students common skills and attributes sought by employers in prospective employees.

Removes requirement that LSIC annually develop report to countywide council on productive and safe schools.

11. County BOE Authority to Designate Innovation Schools; LSIC Waiver Process (§18-5A-3)

Authorizes county BOE to approve proposals submitted by LSIC containing alternatives school operations requirements and designate such schools as innovation schools. County BOE is also authorized to provide funding to support the proposal. Sets forth approval process for exemptions from county BOE policies, WVBE policies, state superintendent interpretations, and state statute to be granted to effectuate the proposal. LSIC proposals requires a 2/3 vote of LSIC supporting the proposal. Clarifies that LSIC is not precluded from permitting off-site classrooms developed in conjunction with local business provided sites meet requirements established by county BOE.

12. Public Charter Schools (§18-5G-1, et seq)

Key Provisions:

- Public charter schools (PCS) are part of the state's public education system.
- Prohibition on conversion of private school into a PCS.
- Limit of 3 may be established between now and 2023; thereafter, an additional 3 may be authorized every 3 years.
- No PCS can start prior to the 2021-2022 school year.
- Applicant defined as parents, community members, teachers, school administrators, institutions of higher education in WV who are interested in organizing a PCS and have obtained/are obtaining 501(c)(3) status.
- Authorizer limited to:
 - County BOE where PCS's recruitment area is wholly within the county's boundaries; or
 - Two or more county BOEs where PCS's primary recruitment area is within boundaries of such counties; or
 - WVBE when it has intervened in a county where PCS applicant has submitted an application or county BOE requests WVBE to serve as authorizer in its place.
- Bill sets forth in specific detail the application process, the duties and responsibilities of a PCS governing board, and what must be included in a charter contract.
- PCS applications that are not approved, as well as charter contracts that are revoked/not renewed may appeal such decisions to the WVBE.

PCS Criteria, Governance Structure, Applicable Laws:

- PCS cannot be home school based or affiliated with any specific religious denomination or any group whose espoused beliefs attack/malign an entire class of people.
- PCS cannot have requirements that would exclude a child from enrollment who would not be excluded at a noncharter school.
- PCS must provide programs/services to a student with a disability per student's IEP; PCS has option of delivering services directly or contracting with county BOE or other provider to deliver services (spelled out in charter contract).
- County BOE prohibited from harassing, threatening, disciplining, discharging, retaliating or otherwise discriminating against an employee involved with a charter application.
- PCS employees previously employed by the county BOE accrue seniority with county BOE in same manner as they would if employed at noncharter school.

- PCS is exempt from all statutes and rules except:
 - All federal laws applicable to noncharter schools
 - FOIA laws and Open Governmental Proceedings Act
 - Immunization requirements
 - Compulsory school attendance requirements (§18-8-1)
 - School calendar requirements (§18-5-45)
 - General summative assessment
 - Student Data Accessibility, Transparency and Accountability Act (§18-2-5h)
 - Required to use WVEIS to report required information
 - Reporting information on student/school performance in same manner as noncharter schools
 - Applicable accounting and financial reporting requirements that noncharter schools are subject to
 - Criminal history check of employees to same extent required at noncharter schools
 - Zoning rules and building codes applicable to noncharter schools
 - If transportation is provided, same student transportation safety laws applicable to noncharter schools

West Virginia Board of Education Responsibilities & PCS Rules:

- WVBE is required to consult with nationally recognized PCS organization and establish a database of best practices for PCS.
- By February 2020, WVBE is to provide forms to authorizers so they may solicit PCS applications and establish a quality charter school contract that includes framework for performance standards. Forms must include deadline of August 2020 for any PCS to begin operation for the 2021-2022 school year.
- WVBE must provide training programs for PCS applicants, administrators, and governing board members.
- WVBE responsible for receiving/expending gifts, grants, and donations made for purpose of supporting PCSs.
- WVBE must apply for any federal funds that may be available to implement PCS programs.
- WVBE is to establish reporting requirements so it may monitor performance and legal compliance of authorizers and PCSs.
- Annual report must be submitted by WVBE to Governor and Legislature within 60 days of school year's end summarizing specific data points and information relating to PCSs.
- WVBE charged with establish rule containing the follows:
 - Outline the requirements for PCS funding, which must include that 90% of the per pupil total basic foundation allowance follows the student to the PCS. Rule can include allowance for student transportation and current expenses that do not decrease as result of transfer of students from noncharter school to PCS.
 - WVDE required to follow federal requirements to ensure federal funds follow students to PCS.
 - PCS accountability for student performance and accountability for authorizers.
 - Allowable authorizer costs for overseeing PCS.
 - Any unforeseen issues relating to the implementation of PCS.

13. Student Unexcused Absences (§18-8-4)

Beginning in 2019-20 school year, removes the requirement to send a written notice to a parent/guardian when a student receives 3 and 5 unexcused absences. Instead requires the principal or attendance director to make “meaningful contact” with the parent/guardian upon 3 and 5 unexcused absences to ascertain reasons for the absences and what measures school may employ to assist student in attending school and not incurring additional unexcused absences.

14. Professional Student Support Personnel (§18-9A-2)

Beginning in the 2019-20 school year, expands the statutory definition of “professional student support personnel” from just nurses and counselors to include any professional personnel providing direct social and emotional student support services to students (i.e., social workers, psychologists; Communities in Schools site coordinator, etc.)

15. Aid to Small Counties (§18-9A-2)

For 2019-20 school year, the adjusted net enrollment used to calculate a county’s basic foundation program allowance will be increased by 10% for counties with net enrollment below 1,400.

16. Step 5 Funding (§18-9A-8)

Beginning in 2019-20 school year, increases Step 5 funding for Professional Student Support Personnel by removing the current statutory cap and inserts a 5.0 ratio of per 1,000 students.

17. Step 6a Funding (§18-9A-9)

Beginning in 2019-20 school year, increases Step 6a funding for current operations by 1%.

18. Faculty Senate Funding (§18-9A-9)

Increases faculty senate allotment for each classroom teacher and librarian by an additional \$200 (increase from \$100 to \$300).

19. Block Grant Funding (§18-9A-19)

Beginning in the 2019-20 school year, requires that state aid be disbursed in the form of block grants and free from limitations included in article 9A of chapter 18. Specifically, the following state aid funds are considered restricted and the language of the bill would relieve districts from spending restrictions in these areas:

- Bus Replacement/Additional Bus Funding – currently has flexibility of up to \$200,000 for alternative purposes if certain safety standards are met
- Step 7a (Improvement of Instructional Programs)– currently has up to 50% that can be used for personnel and another 25% that can be used for alternative purposes
- Step 7b (Improvement of Instructional Technology) – currently has flexibility to use up to 100% for TSS positions and up to 50% for alternative purposes
- Step 7c (Advanced Placement) – only \$644,000 statewide but must all be used for AP, Dual Credit or IB courses

- Step 7d (Teacher and Leader Induction) – very broad purpose but no flexibility language
- Academic Classroom Curriculum Trips

The following restricted state aid items come from articles other than 9A and thus would remain in place under the proposed language:

- Professional Staff Development Councils
- Service Staff Development Councils
- Faculty Senate Funding

20. Local Share Adjustment (§18-9A-12)

Modifies §18-9A-2 to reduce local share percentage for purposes of state aid from 90% to 85%, starting in the 2019-20 school year.

21. Budget Database & Website

Requires State Superintendent to provide State Auditor required county-level data for use on WV Checkbook. Specifies the amount of county level data the State Superintendent is required to provide the State Auditor and clarifies that the State Superintendent will not violate FERPA in providing the data. Implementation not until July 1, 2020.

22. Teacher Salary Increases (§18A-4-2)

Beginning in 2019-20 school year, provides an average 5% across the board pay raise to classroom teachers (including professional student support personnel in Step 5).

23. Supplement for Math Teachers (§18A-4-2)

Beginning in 2019-20 school year, for purposes of the salary schedule, provides three additional years of experience for certified math teachers that teach math at least 60% of the time.

24. Supplement for Special Education Teachers (§18A-4-2)

Beginning in 2019-20 school year, for purposes of the salary schedule, provides three additional years of experience for certified special education teachers.

25. Equity Payment (§18A-4-5)

Beginning in 2019-20 school year, changes the statutory equity payment to teachers and SSP to a state supplement (does not affect amounts that are ultimately received by teachers and SSP).

Removes the requirement that salaries of professional educators throughout the state cannot differ by greater than a certain amount. Presently, statute requires that the average of the top 10 counties with the highest teacher salaries and the lowest paid county cannot differ by more than 10%. Removes the same requirement for SSP.

26. County Salary Supplement (§18A-4-5a)

Allows county BOEs to provide salary supplements to teachers that:

- Are certified to and do teach in a critical need and shortage subject
- Teach in schools in remote geographic locations
- Teach in locations that have experienced high rates of turnover in experience teachers

In addition to regular teaching duties, are assigned as a master teacher, mentor, academic coach, etc. that are providing strong school-based support and supervision to assist licensure candidates in a clinical internship, beginning teachers and other teachers at the school improve professional practice in accordance with the county's comprehensive system of support for teacher and leader induction and professional growth (§18A-3C-3).

27. RIF Process (§18A-4-7a)

Starting 7/1/19, if two or more employees with the same certification have an identical seniority date, priority between such employees for purposes of RIF determinations is to be determined via a random selection system approved by county BOE. The random selection is to happen within 30 days of hiring the employees. County BOEs are to adopt a policy that outlines the qualifications upon which RIF decisions are to be based. County BOE is limited to including any or all of the 11 qualifications listed in statute when defining "qualifications" in local board policy. However, to be consistent with other parts of this code section in the House's version of the bill, the qualifications included in the policy should be (1) seniority, (2) certification, and (3) evaluations. If employee has poor evaluations for 2 consecutive years, he/she can be RIFed over employee with less seniority.

28. SSP Salary Increases (§18A-4-8a)

Beginning in 2019-20 school year, provides an average 5% across the board pay raise to school service personnel.

29. Unused Leave Bonus (§18A-4-10)

Beginning in 2019-20 school year, increases number of personal days for all employees from 3 to 4. Classroom teachers that have not used more than 4 days are entitled to \$500 bonus at end of year.

30. Underwood Smith Scholarship (§§18C-4-1, set seq., 18C-4A-1, et seq.)

Modifies current Underwood-Smith Scholarship program by providing scholarships to individuals agreeing to teach in critical need areas for at least 5 years. Also modifies teacher education loan repayment program; applicants must agree to work in area of critical need for each year the loan repayment assistance is received.