

The Committee on Education moved to amend the bill by striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-5b. Legislative findings with respect to West Virginia's education standards; state superintendent duties.

(a) The Legislature finds that:

(1) As the constitutional body charged with providing for a thorough and efficient system of schools, the Legislature has enacted, by general law, a process for improving education that includes four primary elements, these being: Standards, assessments, accountability and capacity building to ensure that students attain the knowledge and skills that result from a thorough and efficient system of education;

(2) The Legislature has the authority and the responsibility to establish and be engaged constructively in the determination of the knowledge and skills that students should know and be able to do as the result of a thorough and efficient education and this determination is made by using the process for improving education to determine when school improvement is needed, by evaluating the results and the efficiency of the system of schools, by ensuring accountability and by providing for the necessary capacity and its efficient use. As the constitutional body charged with the general supervision of schools as provided by the West Virginia Constitution, the state board has the authority and the responsibility to establish the standards, assess the performance and progress of students against the standards, hold

schools and school systems accountable and assist schools and school systems to build capacity and improve efficiency so that the standards are met, including, when necessary, seeking additional resources in consultation with the Legislature and the Governor;

(3) Congressional reauthorization of the Elementary and Secondary Education Act (ESEA), known as the No Child Left Behind Act (NCLB), required states to implement state specific criterion referenced summative assessment tests, establish accountability measures and annual targets for adequate yearly progress through a U. S. Department of Education approved process, and impose designations and consequences on schools for failure to meet the annual targets necessary for all students to score at the proficient level on the tests by 2014;

(4) West Virginia moved to the new curriculum-based testing program during the 2003-04 school year with the WESTEST developed under a contract with CTB/McGraw Hill as a part of its compliance plan to meet the NCLB requirements;

(5) In March 2006, the West Virginia Board of Education assembled teams of master teachers to develop 21st Century Content Standards and Objectives for West Virginia Schools to incorporate higher levels of critical thinking and problem solving skills and improve alignment with other national and international assessments. First placed on public comment for 60 days in July, 2005, these standards underwent several additional reviews by state and national experts and the public and several revisions before final adoption by the West Virginia Board of Education and placed into effect July 1, 2008;

(6) In May 2009, WESTEST 2, a new statewide assessment aligned with the new 21st Century Content Standards and Objectives, was administered for the first time;

(7) Also in 2009, West Virginia joined other states in an effort to develop Common Core State Standards. The West Virginia Board of Education, as recorded in the minutes of its May 12, 2010,

meeting, unanimously approved the Common Core State Standards for English Language Arts and Literacy in History/Social Studies and Science and the Common Core State Standards for Mathematics for alignment with West Virginia's 21st Century Content Standards and Objectives for implementation beginning in fall 2011. Shortly thereafter, separate committees in these two subject areas, each consisting of classroom teachers and representatives of higher education faculty, began this work and placed a particular standard into the West Virginia framework only when the best available evidence indicated that its mastery was essential for college and career readiness;

(8) Following this process and a public comment period, the West Virginia Board of Education adopted Next Generation Content Standards and Objectives;

(9) A requirement for college and career readiness standards enacted during the 2013 regular legislative session in section thirty-nine, article two of this chapter directs the state board, the Higher Education Policy Commission and the Council for Community and Technical College Education to collaborate in formally adopting uniform and specific college and career readiness standards for English/language arts and math that allow for a determination of whether a student needs to enroll in a post-secondary remedial course. The results on the statewide student assessment in grade eleven must be used to determine whether a student has met the college and career readiness standards in these subjects or allow for the student's enrollment in transitional courses in the twelfth grade if necessary;

(10) A decade-long trend of gradually closing the gap with national averages in math and scoring near or above the national averages in reading for West Virginia student scores on the National Assessment of Educational Progress (NAEP) reversed course beginning in 2001. This unintended negative consequence was likely, in part, the result of accumulated inconsistencies and loss of focus on sustained instructional improvement as teachers continually readjusted to frequently changing standards

and assessments, and the system goal became how to avoid the harsh consequences of failing to meet the AYP targets required by NCLB as they increasing became statistically unattainable. As the 2014 deadline approached for 100% of students scoring proficient on the state summative assessment, it was apparent that no schools in West Virginia would achieve this NCLB goal and, therefore, all schools would be labeled as failing and face the required sanctions. In the face of long overdue reauthorization of the Elementary and Secondary Education Act, schools in West Virginia, like most across the country, had little choice but to seek the relief offered under the ESEA Flexibility process;

(11) West Virginia applied for flexibility during the 3rd application window, due September 6, 2012. The ESEA Flexibility Request required states to address three principles:

(A) Principle 1: College and Career-Ready Expectations for All Students;

(B) Principle 2: State-Developed Differentiated Recognition, Accountability and Support; and

(C) Principle 3: Supporting Effective Instruction and Leadership;

(12) West Virginia met Principle 1 with the adopted Next Generation Standards for English Language Arts and Mathematics, met Principle 2 by designing an accountability method and support system for schools recognized as success, transition, focus, support or priority schools based on rates of student academic growth and achievement, and met Principle 3 by modifying the statutory professional personnel performance evaluation system to place the entire measure of student learning for teachers of English Language Arts and Mathematics in the tested grades on the state summative assessment. West Virginia's ESEA Flexibility was approved in May, 2013;

(13) The state board has since also modified West Virginia's accountability system by adopting an A-F grading system for schools which will be embedded in the federal flexibility renewal request. It also has modified its rules for Next Generation Standards to comply with WV Code by adding twelfth

grade transition courses in English Language Arts and Mathematics for students below the college and career ready level; and

(14) ESEA Flexibility is subject to continued monitoring by the U. S. Department of Education and is subject to renewal due March 31, 2015.

(b) The Legislature further finds that the funding for West Virginia public schools comes from about 59% state and 31% local revenue sources with the federal government contributing only about 10% of the state's total school funding. Federal funding under the Elementary and Secondary Education Act amounted to about \$362 million for the 2012-13 school year and supplements the education of disadvantaged and special needs students. The receipt of federal funding allows the federal government to require accountability for funds expended for certain educational purposes and to require college and career ready standards and aligned assessments. The West Virginia Board of Education and Department of Education shall collaborate with the federal government to implement these accountability systems in a manner which does not hamper their constitutional mandate to supervise the free schools of the state and does not hamper the Legislature's constitutional mandate to provide a thorough and efficient system of free schools.

(c) In response to the foregoing findings the state superintendent shall:

(1) Undertake a comprehensive review of the standards to ensure that:

(A) West Virginia's standards are college and career ready as required in section thirty-nine, article two of this chapter;

(B) West Virginia's standards are revised as needed to ensure that West Virginia students will be adequately prepared for college and careers;

(C) Schools and school systems in West Virginia have adequate and appropriate curriculum and

instructional strategies to provide instruction that enables students to meet college and career ready standards;

(D) Sufficient training and professional development is provided to equip teachers and leaders to utilize curriculum and instructional strategies that enable students to meet college and career ready standards; and

(E) Schools and school systems in West Virginia have appropriate information and resources to engage and assist parents with helping improve the learning of their children.

(2) Establish English Language Arts and Mathematics standards review committees which may be subdivided by content and grade level. The review committees shall assist and advise the state superintendent in the review and revision process to ensure that the standards recommended to the West Virginia Board of Education for adoption are college and career ready. The review committees shall consist of, at a minimum, the following members:

(A) West Virginia certified teachers with subject matter and grade level expertise;

(B) At least one representative from each of the following groups:

(i) A West Virginia parent;

(ii) A West Virginia teacher organization representative;

(iii) A West Virginia school administrator;

(iv) A West Virginia principal;

(v) A representative of the West Virginia School Board Association;

(vi) A West Virginia employer;

(vii) Three Senators appointed by the President of the Senate, one of whom shall be the chair of the Senate Education Committee and one of whom shall be a member of the minority party, and three

Delegates appointed by the Speaker of the House, one of whom shall be the chair of the House Education Committee and one of whom shall be a member of the minority party; and

(viii) Other individuals selected by the state superintendent.

(3) Conduct at least four regional town hall style meetings to engage members of the public in the standards review process: *Provided*, That the public also shall be provided an opportunity to participate in the standards review process through an online review and comment platform.

(4) Regularly inform the Legislature of any actions taken with respect to standards, assessments, accountability and professional development through reporting to the Legislative Oversight Commission on Education Accountability.

(d) At the conclusion of the comprehensive review process set forth in subdivision (c) of this section, but not later than January 1, 2017, the state superintendent shall recommend to the West Virginia Board of Education such amendments, additions or deletions to the English Language arts and Mathematics standards as are necessary to assure that the standards are college and career ready.

(e) As part of review process the state superintendent shall recommend to the West Virginia Board of Education an appropriate schedule of statewide summative assessment schedule for grades 3-12. Also, as part of the review process, the state superintendent shall direct a review of the Student Data Accessibility, Transparency and Accountability Act set forth in section five-h, article two of this chapter and the longitudinal data system set forth in section ten, article one-d, chapter eighteen-b of this code.

(f) The collection of confidential student information and the disclosure of personally identifiable student information not in accordance with section five-h, article two of this chapter and other applicable state law is prohibited.

(g) West Virginia shall cease using any Smarter Balanced Assessment Consortium (SBAC) and

Partnership for Assessment of Readiness for College and Careers (PARCC) assessment after the 2016-2017 school year unless the Legislature amends the Code before that time to allow continued use of the assessment.

(h) The Legislative Oversight Commission on Education Accountability shall monitor and inform the Legislature on implementation of this section.

Adopted

Rejected