

SB 1001

FILED

2009 JUN 17 PM 4: 32

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SEVENTY-NINTH LEGISLATURE

FIRST EXTRAORDINARY SESSION, 2009

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ENROLLED

Senate Bill No. 1001

(BY SENATORS TOMBLIN (MR. PRESIDENT)
AND CARUTH, BY REQUEST OF THE EXECUTIVE)

[Passed June 2, 2009; to take effect July 1, 2009.]

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(BY SENATORS TOMBLIN (MR. PRESIDENT) AND CARUTH,
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[Passed June 2, 2009; to take effect July 1, 2009.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-10, relating to critical skills instructional support programs for students in grades three and eight; setting forth legislative findings; providing for the promulgation of rules; establishing minimum provisions of rules; providing condition for promotion for certain students under certain circumstances; precluding county from charging tuition for program; requiring suitable facilities by county boards; preserving ability to retain students; preserving individualized education plans from effect of section; providing for county board preparation; providing that implementation is contingent upon funding; and requiring reports by State Board of Education.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-2E-10, to read as follows:

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-10. Critical skills instructional support programs for third and eighth graders.

1 (a) The Legislature finds that:

2 (1) In the early childhood through intermediate grade
3 levels, ensuring that each student masters the content and
4 skills needed for mastery at the next grade level is criti-
5 cally important for student success;

6 (2) Students who do not demonstrate grade-level mas-
7 tery in reading, language arts and mathematics become
8 increasingly less likely to succeed at each successive grade
9 level;

10 (3) State board policy requires every school to establish
11 a student assistance team that reviews student academic
12 needs that have persisted despite being addressed by
13 instruction and intervention and requires every school to
14 implement, in an equitable manner, programs during and
15 after the instructional day at the appropriate instructional
16 levels that contribute to the success of students; and

17 (4) Grades three and eight are critical transition points
18 for additional intervention strategies that reinforce the
19 preparation of students who are not prepared fully for
20 success at the next grade level.

21 (b) The state board shall, in accordance with the provi-
22 sions of article three-b, chapter twenty-nine-a of this code,
23 promulgate legislative rules as necessary to effectuate the
24 provisions of this section. The rules shall provide for at
25 least the following:

26 (1) Encouraging and assisting county boards in estab-
27 lishing and operating critical skills instructional support
28 programs during and after the instructional day and
29 during the summer for students in grades three and eight
30 who, in the judgment of the student assistance team or the
31 student's classroom teacher, are not mastering the content
32 and skills in reading, language arts and mathematics
33 adequately for success at the next grade level and who are
34 recommended by the student assistance team or the
35 student's classroom teacher for additional academic help
36 through the programs;

37 (2) Maximizing parental involvement in supporting the
38 critical skills development of their children in reading,
39 language arts and mathematics through critical skills
40 instructional support programs;

41 (3) Ensuring the employment of qualified teachers and
42 service personnel in accordance with the provisions of
43 section thirty-nine, article five of this chapter and section
44 seven-c, article four, chapter eighteen-a of this code to
45 provide instruction to students enrolled in critical skills
46 instructional support programs;

47 (4) Creating a formula or grant-based program for the
48 distribution of funds appropriated specifically for the
49 purposes of this section or otherwise available for the
50 support of in-school, after-school and summer critical
51 skills instructional support programs;

52 (5) Providing transportation and healthy foods for
53 students required to attend after-school and summer
54 critical skills instructional support programs and supervi-
55 sion at the school that accommodates the typical work
56 schedules of parents; and

57 (6) Receiving from county boards any applications and
58 annual reports required by rule of the state board.

59 (c) A student in grades three or eight who is recom-
60 mended by the student assistance team or the student's
61 classroom teacher for additional academic help in one or
62 more of the subjects of reading, language arts and mathe-
63 matics through a critical skills instructional support
64 program may be required to attend a summer critical skills
65 instructional support program as a condition for promo-
66 tion if:

67 (1) The student has been provided additional academic
68 help through an in-school or after-school critical skills
69 instructional support program and, prior to the end of the
70 school year, the student assistance team or the student's
71 classroom teacher recommends that further additional
72 academic help is needed for the student to be successful at
73 the next grade level; and

74 (2) The county board has established a critical skills
75 instructional support program during the summer months
76 for the student's grade level.

77 (d) County boards shall provide suitable educational
78 facilities, equipment and services to support critical skills
79 instructional support programs established pursuant to
80 this section. Summer programs may be provided at a
81 central location for third and eighth graders who qualify
82 for the program.

83 (e) This section may not be construed to prohibit a
84 classroom teacher from recommending the grade level
85 retention of a student based upon the student's lack of
86 mastery of the subject matter and preparation for the
87 subject matter at the next grade level.

88 (f) This section may not be construed to affect the
89 individualized education plans of exceptional students.

90 (g) This section may not be construed to limit the
91 authority of the county board to establish a summer school

92 program in accordance with section thirty-nine, article
93 five of this chapter. County boards may not charge tuition
94 for enrollment in critical skills instructional support
95 programs established pursuant to this section.

96 (h) Each county board shall prepare to implement the
97 provisions of this section and the provisions of the state
98 board rule required by subsection (b) of this section. The
99 preparations shall at least include planning, ensuring the
100 student assistance teams are established as currently
101 required by state board policy and performing a needs
102 assessment.

103 (i) The state board shall provide a report describing the
104 proposed implementation of the critical skills instructional
105 support program to be instituted for the summer of 2010
106 to the Legislative Oversight Commission on Education
107 Accountability on or before May 1, 2010.

108 (j) The state board shall provide a comprehensive report
109 regarding the status of the critical skills instructional
110 support program to the Legislative Oversight Commission
111 on Education Accountability, the Joint Committee on
112 Government and Finance, and the Governor on November
113 1, 2010, and annually on November 1 on each year thereaf-
114 ter. The report shall address, at a minimum, the progress
115 of the program throughout the state, its effect on student
116 achievement and the sources of the funding both available
117 to and used by the program.

118 (k) The provisions of this section shall be subject to the
119 availability of funds from legislative appropriation or
120 other sources specifically designated for the purposes of
121 this section. If a county board determines that adequate
122 funds are not available for full implementation of a
123 critical skills instructional support program in the county,
124 the county board may implement its program in phases by
125 first establishing a critical skills instructional support

126 program in the third grade and then establishing a critical
127 skills instructional support program for the eighth grade
128 once the county board determines that adequate funds are
129 available.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2009.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within _____ is approved this the 17th
Day of June 2009.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

JUN 16 2009

Time 9:00am