WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED
Committee Substitute for
SENATE BILL NO. 104
(By Senator Miller, et al.)

PASSED February 9, 1996
In Effect from Passage
AN ACT to repeal section three, article two-e, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article by adding thereto a new section, designated section one-a; and to amend and reenact sections two and four of said article, all relating to eliminating the statewide testing of educational progress program (WV-STEP); creating a new section requiring the state board of education to recommend an assessment program and report to the legislative oversight commission on education accountability; creating an advisory council for the purpose of consulting with the state board and state superintendent regarding the recommendation of the assessment program; providing an option for teachers to administer the WV-STEP test in the 1995-96 school year; and renaming section two of said article to retain the requirement of the national assessment of educational progress program testing.

Be it enacted by the Legislature of West Virginia:
That section three, article two-e, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that said article be further amended by adding thereto a new section, designated section one-a; and that sections two and four of said article be amended and reenacted, all to read as follows:

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-1a. Recommendation of assessment program; advisory council established.

(a) In order to further the purposes of this article, the state board shall recommend to the legislative oversight commission on education accountability an assessment program for the measurement of the educational progress of public school students in attaining a high quality education. A model of such program shall be presented to the legislative oversight commission on education accountability on or before the first day of November, one thousand nine hundred ninety-six.

(b) An advisory council is hereby established for the purpose of consulting with and advising the state superintendent of schools and the state board of education regarding the establishment of the assessment program mentioned in subsection (a) of this section. Members of the council shall be appointed by the state superintendent and shall include the following: Two county superintendents, two school principals, three classroom teachers, and two members of the public at large who are also members of local school improvement councils. Upon recommendation of the assessment program to the legislative oversight commission on education accountability by the state board, the advisory council shall be terminated.

(c) Nothing in this section shall be construed to prevent any teacher from administering the statewide testing of educational progress program (WV-STEP) during the school year of one thousand nine hundred ninety-five—ninety-six: Provided, That the cost of duplicating the test and all other related expenses shall be borne by the state board of education.
§18-2E-2. National assessment of educational progress program testing.

1 Beginning in the school year one thousand nine hundred ninety-nine, and continuing thereafter, national assessment of educational progress program tests shall be administered in academic areas at the various grades designated by the national assessment of educational progress officials to provide comparisons of West Virginia students to a national sample.

§18-2E-4. Better schools accountability; school, school district and statewide school report cards.

(a) For the purpose of providing information to the parents of public school children and the general public on the quality of education in the public schools which is uniform and comparable between schools within and among the various school districts, the state board shall prepare forms for school, school district and statewide school report cards and shall promulgate rules concerning the collection and reporting of data and the preparation, printing and distribution of report cards under this section. The forms shall provide for brief, concise reporting in nontechnical language of required information. Any technical or explanatory material a county board wishes to include shall be contained in a separate appendix available to the general public upon request.

(b) The school report cards shall include:

(1) The following indicators of student performance at the school in comparison with the county, state, regional and national student performance, as applicable: School attendance rates; the percent of students not promoted to next grade; the graduation rate; and student mobility (turnover shown as a percent of transfers out and a percent of transfers in); and

(2) The following indicators of school performance in comparison with the aggregate of all other schools in the county and the state, as applicable: Average class size; percent of enrollments in courses in 'high school'.
mathematics, science, English and social science; amount
of time per day devoted to mathematics, science, English
and social science at middle, junior high and high school
grade levels; percent of enrollments in college preparatory,
general education and vocational education programs;
pupil-teacher ratio; number of exceptions to pupil-teacher
ratio requested by the county board and the number of
exceptions granted; the number of split-grade classrooms;
pupil-administrator ratio; operating expenditure per
pupil; county expenditure by fund in graphic display; and
the average degree classification and years of experience
of the administrators and teachers at the school;

(3) Every county board of education shall annually
determine the number of administrators, classroom
teachers and service personnel employed that exceeds the
number allowed by the public school support plan and
determine the amount of salary supplements that would
be available per state authorized employee if all
expenditures for the excess employees were converted to
annual salaries for state authorized administrators,
classroom teachers and service personnel within their
county. The information shall be published annually in
each school report card of each such county.

(c) The school district report card shall include the data
for each school for each separately listed applicable
indicator and the aggregate of the data for all schools, as
applicable, in the county for each indicator. The
statewide school report card shall include the data for
each county for each separately listed indicator and the
aggregate for all counties for each indicator.

(d) The report cards shall be prepared using actual local
school, county, state, regional and national data indicating
the present performance of the school and shall also
include the state norms and the upcoming year's targets
for the school and the county board.

The state board shall provide technical assistance to
each county board in preparing the school and school
district report cards.
Each school district board shall prepare report cards in accordance with the guidelines set forth in this section. The school district report cards shall be presented at a regular school board meeting subject to applicable notice requirements and shall be made available to a newspaper of general circulation serving the district. The school report cards shall be mailed directly to the parent or parents of any child enrolled in that school. In addition, each county board shall submit the completed report cards to the state board which shall make copies available to any person requesting them.

The report cards shall be completed and disseminated prior to the first day of January, one thousand nine hundred eighty-nine, and in each year thereafter, and shall be based upon information for the current school year, or for the most recent school year for which the information is available, in which case the year shall be clearly footnoted.

In addition to the requirements of subsection (c) of this section, the school district report card shall list: (1) The names of the members of the district school board, the dates upon which their terms expire and whether they have attended an orientation program for new members approved by the state board and conducted by the West Virginia school board association or other approved organizations, and other school board member training programs; and (2) the names of the district school superintendent and every assistant and associate superintendent and any training programs related to their area of school administration which they have attended. The information shall also be reported by district in the statewide school report card.

The state board shall develop and implement a separate report card for nontraditional public schools pursuant to the appropriate provisions of this section to the extent practicable.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the ___ day of Salamon, 1996.

Governor