WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1999

ENROLLED

House Bill No. 2855
(By Delegates Williams, Stemple, Houston, Willis,
Stalnaker, Armstead and Harrison)

Passed March 13, 1999
In Effect July 1, 1999
AN ACT to amend and reenact section six, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend article two-e of said chapter by adding thereto four new sections, designated sections eight-a, eight-b, eight-c and eight-d; and to amend and reenact section one-e, article one, chapter eighteen-b of said code, all relating to voiding provisions for development of an electronic portfolio by the state board of education and their future effect; legislative findings; requiring state board to direct a review of policy requirements for new courses, assist counties in meeting the requirements; requiring state board to direct state superintendent to organize department to better communicate, provide technical assistance and support for schools and school systems in certain areas; requiring plan for repair, maintenance and upgrade of technology in public schools; providing legislative intent to work with state board to continue improving education and ensure a thorough and efficient education; allowing students who complete two successful semesters in vocational agriculture to receive one required science unit toward high school graduation; and further expressing the legislative intent with respect to the Jobs Through Education Act.
Be it enacted by the Legislature of West Virginia:

That section six, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that article two-e of said chapter be amended by adding thereto four new sections, designated sections eight-a, eight-b, eight-c and eight-d; and that section one-e, article one, chapter eighteen-b of said code be amended and reenacted, all to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-6. Classification and standardization of schools; standards for degrees and diploma; certificates of proficiency; establishment of alternative education programs.

The state board shall make rules for the accreditation, classification and standardization of all schools in the state, except institutions of higher education, and shall determine the minimum standards for the granting of diplomas and certificates of proficiency by those schools. Not later than the school year one thousand nine hundred ninety—one, certificates of proficiency including specific information regarding the graduate’s skills, competence and readiness for employment or honors and advanced education shall be granted, along with the diploma, to every eligible high school graduate. The certificate of proficiency shall include the program of study major completed by the student only for those students who have completed the required major courses, or higher level courses, advanced placement courses, college courses or other more rigorous substitutes related to the major, and recommended electives.

No institution of less than collegiate or university status may grant any diploma or certificate of proficiency on any basis of work or merit below the minimum standards prescribed by the state board.

No charter or other instrument containing the right to issue diplomas or certificates of proficiency shall be granted by the state of West Virginia to any institution or other associations or organizations of less than collegiate or university status within
the state until the condition of granting or issuing such diplo-
mas or other certificates of proficiency has first been approved
in writing by the state board.

The state board also may establish policies and procedures
for the approval of alternative education programs for disrup-
tive students who are at risk of not succeeding in the traditional
school structure. These policies and procedures may provide for
the waiver of other policies of the state board, the establishment
and delivery of a nontraditional curriculum, establishment of
licensure requirements for alternative education program
teachers, and the establishment of performance measures for
school accreditation.

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-8a. Electronic portfolio repealed.

Notwithstanding the provisions of subsections (i) and (j),
section eight of this article, information on student attainment
of special skills, honors, advanced education, exceptional
performance and other outstanding accomplishments shall be
included on the certificate of proficiency granted to eligible
high school graduates along with the diploma pursuant to
section six, article two of this chapter. All provisions for
development of an electronic portfolio by the state board are
hereby null and void and without future effect.

§18-2E-8b. Audit of state board policies; legislative findings;
report to legislative oversight commission; re­
quired plan of improvement; exemptions from
determination of accreditation status.

(a) The Legislature finds that, pursuant to its constitutional
responsibility to provide for a thorough and efficient system of
schools, a process for improving education was enacted and set
forth in section five of this article, a process that was endorsed
by the West Virginia board of education in a resolution that was
adopted. The Legislature finds that the process for improving
education includes four primary elements, those being stan-
dards, assessments, accountability and capacity building. The
Legislature finds that as the constitutional body charged with
the general supervision of schools, as provided by general law, the West Virginia board of education has the authority and responsibility to establish policies, which are not subject to approval by the Legislature, to assess performance against the standards, to hold schools and school systems accountable for meeting the standards and to assist schools and school systems to build their capacity to meet the standards, including, when necessary, seeking additional resources in consultation with the Legislature and the governor. The Legislature finds that in fulfilling its constitutional responsibility to provide for a thorough and efficient system of schools, the Legislature has been diligent in not mandating the delivery of programs that are beyond the capacity of schools and school systems without providing the necessary additional resources. The Legislature further finds, however, that concerns exist with respect to the capacity of school systems to meet certain mandates and expenses which arise either from state board policy or the need for better communication, technical assistance and support by the state board and state department of education. The Legislature finds that it is imperative that these concerns be addressed so as not to adversely affect the progress West Virginia has made toward improving its system of education or negate the excellent work of dedicated personnel at local schools and school systems to more thoroughly prepare their students for college, other post-secondary education and employment. Therefore, it is the intent of this section to engage the state board and the state department in the spirit of cooperation and collaboration intended in the process for improving education to examine the impact of their policies and the efforts being made by the state board and the state department of education to assist schools and school systems to meet them.

(b) The state board shall:

(1) Direct the office of education performance audits to include in its review of county boards and schools a determination of whether the county boards and schools have the capacity to meet the requirements within the policies of the state board for school systems to provide additional new courses and determine the capacity of school systems to deliver these new
courses, if any. If it is determined that a county does not have the capacity to meet these requirements, the state board shall direct the department to develop and implement a plan to assist the counties in meeting the requirements.

(2) Review the organization of the state department of education to ensure that it is able to provide the best communication, technical assistance and support for schools and school systems in a number of areas, including, but not limited to:

(i) The advantages and disadvantages of various methods of scheduling and how they can be modified to best meet the needs of students;

(ii) Establishing policies which allow advanced students to test out of required courses for which they already possess the required academic skills; and

(iii) Subject to the provision of section eight-d of this article, establishing policies which allow students, whether they are preparing for college, other post-secondary education or work, to take a higher level course, advanced placement course, college course or other more rigorous substitute in place of a required major course as set forth in the applicable program of study.

(3) Prepare and report annually to the legislative oversight committee on educational accountability by the first day of December a plan for the repair, maintenance and upgrade of technology in the public schools.

(c) It is further the intent of the Legislature to regularly consult with the state board, examine the progress it is making with respect to these issues, and consider alternative measures to ensure that all students continue receiving the thorough and efficient education to which they are entitled.

§18-2E-8c. The “Robert C. Beach” Vocational Agriculture Credit.

(a) The Legislature finds that vocational agriculture curriculum plays a vital role in the development of science education for those students enrolled in the program. The Legislature further finds that as a former member of the West
Virginia House of Delegates, Robert C. Beach was a strong supporter of the vocational agriculture program.

(b) Students completing two successful semesters in vocational agriculture class, as defined by state board policy on the first day October, one thousand nine hundred ninety-nine, shall receive no more than one of the three required units towards high school graduation for science.

§18-2E-8d. Further expressions of legislative intent with respect to this article; parental consent for substitute classes.

(a) The Legislature finds that many school systems are improving the quality of education for their students through implementation of the goals and policies set forth in this article. The Legislature finds that local school systems have had and should continue to have substantial flexibility for implementing these improvements. The Legislature further finds that certain of the goals address legally recognized elements within the definition of a thorough and efficient education among which is the development in every child his or her capacity and knowledge to intelligently pursue his or her options. The purpose of this section is to further this progress through a greater expression of the legislative intent with respect to eliminating the general track curriculum and to insure that all students perform at high levels of academic achievement.

(b) The intent of the Legislature is to provide in an economical manner for a thorough and efficient education that:

(1) Provides information to parents and students which clearly identifies the courses a student should take to prepare fully for continuing their education in college, other post-secondary education or employment so they can intelligently choose among the many options available to them;

(2) Encourages the involvement of parents in their child’s education by providing parents and students with information and opportunities to help students explore their interests and plan a program of study while they are still in high school and have greater options and flexibility;
(3) Ensures that the quality, content, and alignment of the curriculum is sufficient to prepare students fully for the transition to college, other post-secondary education or employment in areas in which they have an interest following graduation from high school; and

(4) Improves student learning by increasing the rigor of the curriculum, making it more relevant to students, and reinforcing academic instruction through applications to real life problem solving so that whatever options a student pursues following graduation from high school, the student has acquired a foundation of knowledge, skills and abilities that prepares him or her fully for success.

(c) Notwithstanding the courses specified as required major courses within a high school program of study, a student in consultation with his or her parents and school advisor, and with the written consent of his or her parents, may take a higher level course, advanced placement course, college course or other more rigorous substitute. The parental consent form shall include a certification signed by the school advisor that the parents were advised of the impact of the substitute course on the student’s preparation for college, other post-secondary education or employment in the student’s major field of study and that the student’s certificate of proficiency will not indicate that the student completed a program of study major unless such substitute courses are related to the major field of study selected by the student.

(d) Notwithstanding the courses specified as recommended electives within a high school program of study, a student in consultation with his or her parents and school advisor, and with the written consent of his or her parents, may substitute other elective courses in place of those recommended to prepare the student fully for continuing his or her education in college, other post-secondary education or employment. The parental consent form shall include a certification signed by the school advisor that the parents were advised of the impact of the substitute course on the student’s preparation for college, other post-secondary education or employment in the student’s major field of study.
field of study and that the student's certificate of proficiency
will not indicate that the student completed a program of study
major unless such substitute courses are related to the major
field of study selected by the student.

(e) On or before the first day of July, one thousand nine
hundred ninety-nine, the state board shall establish a uniform
parental consent form to be maintained in the students perma-
nent record for the purposes of subsections (c) and (d) of this
section which shall contain:

(1) A statement to be signed and dated by the parents to
consent to their child's substitution of another course for a
required major course as provided in subsection (c) of this
section and the course titles of the required major course and
the substitute course;

(2) A statement to be signed and dated by the parents to
consent to their child's substitution of another course for a
recommended elective course as provided in subsection (d) of
this section and the course titles of the recommended elective
course and the substitute course; and

(3) A statement to be signed and dated by the school
advisor certifying that the school advisor advised the parents of
the impact of the substitute course on the student's preparation
for college, other post-secondary education or employment in
the student's major field of study and the student's certificate
of proficiency.

(f) Nothing in this section shall prohibit a county board
from establishing high school graduation requirements which
exceed the minimum high school graduation requirements
established by the state board.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1. GOVERNANCE.

§18B-1-1e. Public education and higher education collaboration
for the preparation of students for college and
other post-secondary education.

(a) Purpose. — The purpose of this section is as follows:
(1) To assist students in the planning and preparation for success in college and other post-secondary education if their education major interests require such formal education after high school;

(2) To establish the minimum expected level of knowledge, skill and competency a student must possess to be prepared fully for college and other post-secondary education at state institutions of higher education;

(3) To implement a method for communicating the minimum level of knowledge, skill and competency to students, parents, educators and counselors in the public schools, and admissions officers, advisors and faculty in the higher education institutions; and

(4) To assure that the teacher preparation programs in state institutions of higher education prepare educators to, at a minimum, deliver instruction necessary to prepare students fully for college and other post-secondary education or gainful employment consistent with the provisions of section eight, article two-e, chapter eighteen of this code.

(b) Joint rule. — On or before the first day of October, one thousand nine hundred ninety-six, the higher education governing boards shall promulgate a joint rule to achieve the purposes of subsection (a) of this section. In the development of such rule, the governing boards shall consult with the state board and the jobs through education employer panel, established pursuant to section eight, article two-e, chapter eighteen of this code, and shall collaborate with the state board in the establishment of compatible practices within their separate systems.

(c) Assessment of student readiness. — To provide continuous assessment and program improvement in the preparation of high school students for success in college or other post-secondary education, the higher education governing boards shall communicate to the state board and the legislative oversight commission on education accountability by the first day of December in each year, beginning in December, one thousand nine hundred ninety-seven, the number of graduates
from the public schools in the state by high schools who were accepted in the last calendar year for enrollment at each of the state institutions of higher education within one year of graduation, and whose knowledge, skill and competency were below the minimum expected levels for full preparation as defined by the governing boards. The governing boards also shall report the areas in which the knowledge, skill and competency of the students were below the minimum expected level. The state board shall provide information to each of the high schools of the state for graduates from the high school.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect July 1, 1999.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the ___ day of April, 1999.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/1/99
Time 2:45 p.m.