

HB 2855

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STATE OF WEST VIRGINIA

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

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OFFICE OF THE CLERK
SENATE

ENROLLED

H. B. 2855

(BY DELEGATES WILLIAMS, STEMPLER, 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.

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

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

21 No charter or other instrument containing the right to issue
22 diplomas or certificates of proficiency shall be granted by the
23 state of West Virginia to any institution or other associations or
24 organizations of less than collegiate or university status within

25 the state until the condition of granting or issuing such diplo-
 26 mas or other certificates of proficiency has first been approved
 27 in writing by the state board.

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

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

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

1 Notwithstanding the provisions of subsections (i) and (j),
 2 section eight of this article, information on student attainment
 3 of special skills, honors, advanced education, exceptional
 4 performance and other outstanding accomplishments shall be
 5 included on the certificate of proficiency granted to eligible
 6 high school graduates along with the diploma pursuant to
 7 section six, article two of this chapter. All provisions for
 8 development of an electronic portfolio by the state board are
 9 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.**

1 (a) The Legislature finds that, pursuant to its constitutional
 2 responsibility to provide for a thorough and efficient system of
 3 schools, a process for improving education was enacted and set
 4 forth in section five of this article, a process that was endorsed
 5 by the West Virginia board of education in a resolution that was
 6 adopted. The Legislature finds that the process for improving
 7 education includes four primary elements, those being stan-
 8 dards, assessments, accountability and capacity building. The
 9 Legislature finds that as the constitutional body charged with

10 the general supervision of schools, as provided by general law,
11 the West Virginia board of education has the authority and
12 responsibility to establish policies, which are not subject to
13 approval by the Legislature, to assess performance against the
14 standards, to hold schools and school systems accountable for
15 meeting the standards and to assist schools and school systems
16 to build their capacity to meet the standards, including, when
17 necessary, seeking additional resources in consultation with the
18 Legislature and the governor. The Legislature finds that in
19 fulfilling its constitutional responsibility to provide for a
20 thorough and efficient system of schools, the Legislature has
21 been diligent in not mandating the delivery of programs that are
22 beyond the capacity of schools and school systems without
23 providing the necessary additional resources. The Legislature
24 further finds, however, that concerns exist with respect to the
25 capacity of school systems to meet certain mandates and
26 expenses which arise either from state board policy or the need
27 for better communication, technical assistance and support by
28 the state board and state department of education. The Legisla-
29 ture finds that it is imperative that these concerns be addressed
30 so as not to adversely affect the progress West Virginia has
31 made toward improving its system of education or negate the
32 excellent work of dedicated personnel at local schools and
33 school systems to more thoroughly prepare their students for
34 college, other post-secondary education and employment.
35 Therefore, it is the intent of this section to engage the state
36 board and the state department in the spirit of cooperation and
37 collaboration intended in the process for improving education
38 to examine the impact of their policies and the efforts being
39 made by the state board and the state department of education
40 to assist schools and school systems to meet them.

41 (b) The state board shall:

42 (1) Direct the office of education performance audits to
43 include in its review of county boards and schools a determina-
44 tion of whether the county boards and schools have the capacity
45 to meet the requirements within the policies of the state board
46 for school systems to provide additional new courses and
47 determine the capacity of school systems to deliver these new

48 courses, if any. If it is determined that a county does not have
49 the capacity to meet these requirements, the state board shall
50 direct the department to develop and implement a plan to assist
51 the counties in meeting the requirements.

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

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

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

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

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

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

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

1 (a) The Legislature finds that vocational agriculture
2 curriculum plays a vital role in the development of science
3 education for those students enrolled in the program. The
4 Legislature further finds that as a former member of the West

5 Virginia House of Delegates, Robert C. Beach was a strong
6 supporter of the vocational agriculture program.

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

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

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

15 (b) The intent of the Legislature is to provide in an econom-
16 ical manner for a thorough and efficient education that:

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

22 (2) Encourages the involvement of parents in their child's
23 education by providing parents and students with information
24 and opportunities to help students explore their interests and
25 plan a program of study while they are still in high school and
26 have greater options and flexibility;

27 (3) Ensures that the quality, content, and alignment of the
28 curriculum is sufficient to prepare students fully for the
29 transition to college, other post-secondary education or employ-
30 ment in areas in which they have an interest following gradua-
31 tion from high school; and

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

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

53 (d) Notwithstanding the courses specified as recommended
54 electives within a high school program of study, a student in
55 consultation with his or her parents and school advisor, and
56 with the written consent of his or her parents, may substitute
57 other elective courses in place of those recommended to prepare
58 the student fully for continuing his or her education in college,
59 other post-secondary education or employment. The parental
60 consent form shall include a certification signed by the school
61 advisor that the parents were advised of the impact of the
62 substitute course on the student's preparation for college, other
63 post-secondary education or employment in the student's major

64 field of study and that the student's certificate of proficiency
65 will not indicate that the student completed a program of study
66 major unless such substitute courses are related to the major
67 field of study selected by the student.

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

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

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

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

89 (f) Nothing in this section shall prohibit a county board
90 from establishing high school graduation requirements which
91 exceed the minimum high school graduation requirements
92 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.

1 (a) *Purpose.* — The purpose of this section is as follows:

2 (1) To assist students in the planning and preparation for
3 success in college and other post-secondary education if their
4 education major interests require such formal education after
5 high school;

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

10 (3) To implement a method for communicating the mini-
11 mum level of knowledge, skill and competency to students,
12 parents, educators and counselors in the public schools, and
13 admissions officers, advisors and faculty in the higher educa-
14 tion institutions; and

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

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

30 (c) *Assessment of student readiness.* — To provide continu-
31 ous assessment and program improvement in the preparation of
32 high school students for success in college or other post-
33 secondary education, the higher education governing boards
34 shall communicate to the state board and the legislative
35 oversight commission on education accountability by the first
36 day of December in each year, beginning in December, one
37 thousand nine hundred ninety-seven, the number of graduates

38 from the public schools in the state by high schools who were
39 accepted in the last calendar year for enrollment at each of the
40 state institutions of higher education within one year of
41 graduation, and whose knowledge, skill and competency were
42 below the minimum expected levels for full preparation as
43 defined by the governing boards. The governing boards also
44 shall report the areas in which the knowledge, skill and compe-
45 tency of the students were below the minimum expected level.
46 The state board shall provide information to each of the high
47 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.

Randy Schowore
Chairman Senate Committee

Joe F. Smith
Chairman House Committee

Originating in the House.

Takes effect July 1, 1999.

David Stokes
Clerk of the Senate

Benny H. Long
Clerk of the House of Delegates

Carl Key Tomblin
President of the Senate

[Signature]
Speaker of the House of Delegates

The within approved this the 7th
day of April, 1999.

[Signature]
Governor

PRESENTED TO THE

GOVERNOR

Date 4/1/99

Time 2:48 pm