WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2004

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4072

(By Delegates Swartzmiller, Stemple, Shaver, Renner,
Long, Perry and Tabb)

Passed March 13, 2004

In Effect July 1, 2004
AN ACT to amend and reenact §18-2E-7 of the code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-2J-1, §18-2J-2, §18-2J-3, §18-2J-4, §18-2J-5, §18-2J-6 and §18-2J-7, all relating to an education technology strategic plan for public education and higher education; including basic skills and SUCCESS in plan; findings; intent, purpose and goals; education technology strategic plan advisory committee; strategies to be included in plan; state board of education and higher education policy commission approval and adoption; expenditures in accordance with the plan; and the report to the legislative oversight commission on education accountability and joint committee on government and finance.

Be it enacted by the Legislature of West Virginia:
That §18-2E-7 of the code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new article, designated §18-2J-1, §18-2J-2, §18-2J-3, §18-2J-4, §18-2J-5, §18-2J-6 and §18-2J-7, all to read as follows:

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-7. Providing for high quality basic skills development and remediation in all public schools.

(a) The Legislature finds that teachers must be provided the support, assistance and teaching tools necessary to meet individual student instructional needs on a daily basis in a classroom of students who differ in learning styles, learning rates and in motivation to learn. The Legislature further finds that attaining a solid foundation in the basic skills of reading, composition and arithmetic is essential for advancement in higher education, occupational and avocational pursuits and that computers are an effective tool for the teacher in corrective, remedial and enrichment activities. Therefore, the state board shall ensure that the resources to be used to provide services to students in the earliest grade level and higher grade levels as resources become available are included in the education technology strategic plan required by article two-j of this chapter. The provision of services to students shall be based on a plan developed by each individual school team.

Computer hardware and software shall be purchased in accordance with the education technology strategic plan adopted pursuant to article two-j of this chapter.

The state board shall develop and provide a program to ensure adequate teacher training, continuous teacher support and updates. The program shall be consistent with the education technology strategic plan adopted pursuant to article two-j of this chapter.
To the extent practicable, the technology shall be used to enhance student access to learning tools and resources outside of the normal school day, such as: Before and after school; in the evenings, on weekends and during vacations; and for student use for homework, remedial work, independent learning, career planning and adult basic education.

(b) The Legislature finds that the continued implementation of computer use under this section for high quality basic skills development and remediation in the middle schools, junior high schools and high schools is necessary to meet the goal that high school graduates will be prepared fully for college, other post-secondary education or gainful employment. Further, the implementation should provide a technology infrastructure at the middle schools, junior high schools and high schools capable of supporting multiple technology based learning strategies designed to enable students to achieve at higher academic levels. The technology infrastructure should facilitate student development in the following areas:

1. Attaining basic computer skills such as word processing, spreadsheets, data bases, internet usage, telecommunications and graphic presentations;

2. Learning critical thinking and decision-making skills;

3. Applying academic knowledge in real life situations through simulated workplace programs;

4. Understanding the modern workplace environment, particularly in remote areas of the state, by bringing the workplace to the school;

5. Making informed career decisions based upon information on labor markets and the skills required for success in various occupations;
(6) Gaining access to labor markets and job placement;

(7) Obtaining information and assistance about college and other post-secondary education opportunities and financial aid;

and

(8) Other uses for acquiring the necessary skills and information to make a smooth transition from high school to college, other post-secondary education or gainful employment.

Therefore, the state board also shall address the findings of this subsection regarding the continued implementation of computer hardware and software and technical planning support in the middle schools, junior high schools and high schools of the state in the education technology strategic plan required by article two-j of this chapter.

ARTICLE 2J. PUBLIC AND HIGHER EDUCATION TECHNOLOGY STRATEGIC PLAN.

§18-2J-1. Findings.

1 (a) The Legislature finds that:

2 (1) Technology is being used in public schools as an instructional tool that enables teachers to meet the individual instructional needs of students who differ in learning styles, learning rates and the motivation to learn;

3 (2) Technology is being used in public schools as an effective resource for providing corrective, remedial and enrichment activities to help students achieve proficiency at grade level or above in the basic skills of reading, composition and arithmetic that are essential for advancement to more rigorous curriculum and success in higher education, occupational and avocational pursuits;
(3) Technology is being used in public schools to ensure that all students have a basic level of computer literacy that will enable them to participate fully in a society in which computers are an ever more prevalent medium for social, economic, and informational interaction;

(4) Technology is being used in public schools to provide greater access for students to advanced curricular offerings, virtual field trips, problem solving and team building exercises, reference information and source knowledge than could be provided efficiently through traditional on-site delivery formats;

(5) Technology is being used in public schools to help students obtain information on post-secondary educational opportunities, financial aid, and the credentials and skills required in various occupations that will help them better prepare for a successful transition following high school;

(6) Technology is being used in public schools to help students learn to think critically, apply academic knowledge in real life situations, make decisions, and gain an understanding of the modern workplace environment through simulated workplace programs;

(7) Technology is being used in public schools as a resource for teachers by providing them with access to sample lesson plans, curriculum resources, on-line staff development, continuing education and college course-work;

(8) Technology is being used in public schools as a tool for managing information, reporting on measures of accountability, analyzing student learning and helping to improve student, school and school system performance;
Technology is being used in state institutions of higher education for teaching, learning and research for all students across all disciplines and programs;

(10) Technology is being used in state institutions of higher education by students, staff and faculty to discover, create, communicate and collaborate, as well as to enhance research and economic development activities;

(11) Technology is being used in state institutions of higher education for digital age literacy, problem solving, creativity, effective communication, collaboration and high productivity skills essential for West Virginia citizens in a rapidly changing global economy;

(12) Technology is being used by libraries in higher education to offer reference services in a virtual environment online;

(13) Technology is being used by libraries in higher education to create and share cataloging records. It is possible to create a seamless resource for sharing these resources between public and higher education; and

(14) Technology is being used in libraries in higher education to offer electronic document delivery services to distance education students and to a multitude of professionals throughout the state.

(b) Each use of technology set forth in this section shall apply to public education, higher education or both, as appropriate. The determination of whether the use of technology applies to public education, higher education or both shall be made by the education technology strategic plan advisory committee, the state board and the higher education policy commission.
§18-2J-2. Intent and purpose; goals.

(a) The intent and purpose of this article is to establish a unified approach to the administration and allocation of funds for technology that is used for public education and higher education purposes in this state which meets the following goals:

(1) Maintaining a reasonable balance in the resources allocated among the customary diverse uses of technology in the public schools and the state institutions of higher education, while allowing flexibility to address unanticipated priority needs and unusual local circumstances;

(2) Providing for uniformity in technological hardware and software standards and procedures to achieve interoperability between public schools and higher education to the extent that the uniformity is considered prudent for reducing acquisition cost, avoiding duplication, promoting expeditious repair and maintenance and facilitating user training, while allowing flexibility for local innovations and options when the objectives relating to uniformity are reasonably met;

(3) Preserving the integrity of governance, administration, standards and accountability for technology in the public schools and institutions of higher education under the jurisdiction of the state board and the higher education policy commission, while encouraging collaborative service delivery and infrastructure investments with other entities that will reduce cost, avoid duplication or improve services, particularly with respect to other entities such as the educational broadcasting system, public libraries and other governmental agencies with compatible technology interests;

(4) Improving the long-term ability of the state board and the higher education policy commission to efficiently manage
and direct the resources available for technology in the public
schools and the institutions of higher education concurrent with
evolving technological capabilities and applications;

(5) Fostering closer communication between faculty,
students and administrators;

(6) Providing for individualized instruction, accommodating
a variety of learning styles of students or faculty members;

(7) Advancing new and traditional ways of learning through
alternative approaches in curriculum to integrate education,
research and technology into life long learning strategies;

(8) Offering new approaches to administration and account-
ability within the education system through technology applica-
tion;

(9) Promoting the collaboration of schools, libraries,
researchers, community members, state agencies, organizations,
business and industry, post-secondary institutions and public
virtual learning environments to meet the needs of all learners;

(10) Recognizing that information literacy is a fundamental
competency for life-long learning and information literacy is
incorporated into the curricula of higher education and the
workplace;

(11) Creating the appropriate infrastructure to ensure, as
required, a sustainable, cost effective and transparent migration
to new technology platforms;

(12) Creating and maintaining compatible and secure
technology systems that enhance the efficient operation of all
educational systems;
Assessing, evaluating and publicizing the effects of technology use by educators and students toward student learning and achievement; and

Increasing student access to high quality blended distance learning curriculum using real time interactive and online distance education tools.

(b) Each goal set forth in this section shall apply to public education, higher education or both, as appropriate. The determination of whether a goal applies to public education, higher education or both shall be made by the education technology strategic plan advisory committee, the state board and the higher education policy commission.

§18-2J-3. Education technology strategic plan advisory committee.

(a) On or before the first day of July, two thousand four, there is established an education technology strategic plan advisory committee to be composed of sixteen members. The Governor shall appoint, by and with the advice and consent of the Senate, the following eleven voting members to the advisory committee:

(1) Five voting members representing public education some or all of which may be from a list of five recommended appointees which shall be submitted by the state board;

(2) Five voting members representing higher education some or all of which may be from a list of five recommended appointees which shall be submitted by the higher education policy commission; and

(3) One voting member who is a business representative with knowledge of technology management practices of large
(b) The chief technology officer of Marshall university, or a designee, and the chief technology officer of West Virginia university, or a designee, shall be ex officio nonvoting members of the advisory committee. The state superintendent shall designate two positions within the department of education, and the persons employed in those position shall be ex officio nonvoting members of the advisory committee. Additionally, the West Virginia library commissioner shall be an ex officio nonvoting member.

(c) The business representative shall serve as chair of the advisory committee. The advisory committee shall meet as necessary, but shall hold no less than four meetings annually. A majority of the voting members constitutes a quorum for conducting the business of the advisory committee.

(d) Voting members of the advisory committee shall serve for terms of three years, except that of the original appointments, three members shall be appointed for one year; four members shall be appointed for two years; and four members shall be appointed for three years. No member may serve more than two consecutive full terms nor may any member be appointed to a term which results in the member serving more than six consecutive years.

(e) Members of the advisory committee shall serve without compensation, but shall be reimbursed by the Governor for all reasonable and necessary expenses actually incurred in the performance of their official duties under this article upon presentation of an itemized sworn statement of their expenses, except that any member of the advisory committee who is an employee of the state shall be reimbursed by the employing agency.
§18-2J-4. Education technology strategic plan.

(a) The education technology strategic plan advisory committee shall develop an education technology strategic plan that achieves the intent and purpose of this article. The plan shall be a continuing plan that covers a period of not less than three and not more than five years and is updated annually. In addition to other strategies considered necessary for achieving the intent and purpose of this section, the education technology strategic plan shall address the following:

(1) The strategy for using technology in the public schools and in the institutions of higher education of the state consistent with the intent and purpose of this article for each of the purposes for which the Legislature finds that technology is used in public schools and institutions of higher education as described in section one of this article and for any other purposes considered necessary by the state board and the higher education policy commission for using technology in the public schools and institutions of higher education to improve performance and progress;

(2) The strategy for allocating the resources available and developing the capacity necessary to achieve the purposes addressed in the plan. The strategy shall allow for reasonable flexibility for:

(A) County boards and regional education service agencies to receive assistance with the development and implementation of technological solutions designed to improve performance, enrich the curriculum and increase student access to high level courses;

(B) County boards, regional education service agencies and institutional boards of governors to implement technological solutions that address local priorities consistent with achieving
the major objectives set forth in the education technology strategic plan; and

(C) Using the most cost effective alternative allowable pursuant to section six of this article for expending funds for technology acquisition and implementation consistent with the goals of the plan;

(3) For public education, the strategy for using technology to maintain equity in the array and quality of educational offerings and professional qualifications among the counties notwithstanding circumstances of geography and population density;

(4) For public education, the strategy for developing and using the capacity of the public school system to implement, support and maintain technology in the public schools through the allocation of funds either directly or through contractual agreements with county boards and regional education service agencies for labor, materials and other costs associated with the installation, set-up, internet hook-up, wiring, repair and maintenance of technology in the public schools and state institutions of higher education;

(5) The strategy for ensuring that the capabilities and capacities of the technology infrastructure within the state and its various regions is adequate for acceptable performance of the technology being implemented in the public schools and the state institutions of higher education, for developing the necessary capabilities and capacities, or for pursuing alternative solutions;

(6) The strategy for maximizing student access to learning tools and resources at all times including before and after school or class, in the evenings, on weekends and holidays, and for public education, non instructional days, and during vacations for student use for homework, remedial work,
independent learning, career planning and adult basic education;

(7) The strategy for providing access to individualized instruction through computer-based technology, video and other technology-based instruction;

(8) The strategy for improving teaching and learning and the ability to meet individual students' needs to increase student achievement;

(9) The strategy for improving curriculum delivery to help meet the needs for educational equity across the state;

(10) The strategy for improving delivery of professional development;

(11) The strategy for improving the efficiency and productivity of administrators;

(12) The strategy for encouraging development by the private sector and acquisition by districts of technologies and applications appropriate for education;

(13) The strategy for ensuring efficient and equitable use of technology at all levels from primary school through higher education, including vocational and adult education;

(14) The strategy for taking advantage of bulk purchasing abilities to the maximum extent feasible. This may include, but is not limited to:

(A) A method of recording all technology purchases across both the public education system and the higher education system;
(B) Combining the purchasing power of the public education system and the higher education system with the purchasing power of other state entities or all state entities; or

(C) A method of allowing public education and higher education to purchase from competitively bid contracts initiated through the southern regional education board educational technology cooperative and the American TelEdCommunications Alliance;

(15) A strategy for seeking funding through grants, gifts, donations or any other source for uses related to education technology; and

(16) A strategy for allowing any other flexibility that is determined to be needed for the effective use of technology in public education and higher education.

(b) Each strategy to be included in the education technology strategic plan pursuant to this section shall apply to public education, higher education or both, as appropriate. The determination of whether the strategy applies to public education, higher education or both shall be made by the education technology strategic plan advisory committee, the state board and the higher education policy commission.

(c) Nothing in this section may be construed to conflict with a state higher education institution’s mission as set forth in its compact.

§18-2J-5. State board and higher education policy commission approval and adoption.

On or before the first day of November, two thousand four, and each year thereafter, the education technology strategic plan advisory committee shall submit the education technology strategic plan to the state board and the higher education policy
commission for approval and adoption. This time line also shall be in accordance with the federal E-rate discount program. If the state board, the higher education policy commission or both do not approve and adopt the plan, the state board, the higher education policy commission and the education technology strategic plan advisory committee shall collaborate in addressing any objection, agree to a plan and then formally approve and adopt the plan agreed to. The procedure for collaboration shall be determined through agreement of the state board, the higher education policy commission and the education technology strategic plan advisory committee. The plan shall become effective the school year following the time of approval and adoption by both the state board and the higher education policy commission.

§18-2J-6. Allocation and expenditure of appropriations.

(a) The state board, regional education service agencies, the higher education policy commission and the state institutions of higher education shall allocate and expend appropriations for technology in the public schools or the state institutions of higher education, as appropriate, in accordance with the education technology strategic plan except that expenditures from grants which can only be used for certain purposes are not subject to this requirement. For public education, the expenditures shall be made directly, or through lease-purchase arrangements pursuant to the provisions of article three, chapter five-a of this code, or through contractual agreements or grants to county boards and regional education service agencies or any combination of the foregoing options as shall best implement the strategic plan in the most cost effective manner.

(b) Nothing in this section requires any specific level of appropriation by the Legislature.
§18-2J-7. Report to the legislative oversight commission on education accountability.

1 The state board and the higher education policy commission shall report to the legislative oversight commission on education accountability annually as soon as practical following the annual adoption and approval of the education technology strategic plan. Additionally, as soon as practical following the annual adoption and approval of the education technology strategic plan, the state board and the higher education policy commission shall submit copies of the report to the joint committee on government and finance. The report shall summarize the expenditures and other related activities undertaken to achieve the objectives of the plan during the past fiscal year, all modifications made in the updated education technology strategic plan and any other matters considered important by the state board and the higher education policy commission to inform the Legislature on the state of education technology in the public schools and the institutions of higher education.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Greg Butterman
Chairman House Committee

Originating in the House.

In effect July 1, 2004.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 5th day of April, 2004.

Governor