WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 603

(Senators Plymale, Edgell, Unger, Jenkins, McCabe, Foster and Hunter, original sponsors)

[Passed March 10, 2007; to take effect July 1, 2007.]
AN ACT to amend and reenact §18-2E-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-10 of said code, all relating to establishing a 21st Century Tools for 21st Century Schools Technology Initiative to replace and enhance current technology programs and provide formula funding therefore; findings; requiring a West Virginia 21st Century Strategic Technology Learning Plan and setting forth specific areas
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it should address; requiring that the provision of technologies and services to students and teachers be based on a plan aligned with the goals of the West Virginia 21st Century Strategic Technology Learning Plan; allocation of technology funds; purchasing; use of technology and technology infrastructure; including funding stream in public school support plan from proportion of growth in local share; changing plans used for the allocation of funds to improve instructional programs; and including employment of technology integration specialists as justification prior to authorization to expend certain funds.

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 §18-9A-10 of said code be amended and reenacted, all to read as follows:

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.


1 (a) The Legislature finds that:

2 (1) The knowledge and skills children need to succeed in the twenty-first century are changing dramatically and that West Virginia students must develop proficiency in twenty-first century content, technology tools and learning skills to succeed and prosper in life, in school and on the job;

8 (2) Students must be equipped to live in a multitasking, multifaceted, technology-driven world;

10 (3) The provision of twenty-first century technologies
and software resources in grades prekindergarten through twelve is necessary to meet the goal that high school graduates will be prepared fully for college, other post-secondary education or gainful employment;

(4) This goal reflects a fundamental belief that the youth of the state exit the system equipped with the skills, competencies and attributes necessary to succeed, to continue learning throughout their lifetimes and to attain self-sufficiency;

(5) To promote twenty-first century learning, teachers must be competent in twenty-first century content and learning skills and must be equipped to fully integrate technology to transform instructional practice and to support twenty-first skills acquisition;

(6) For students to learn twenty-first century skills, students and teachers must have equitable access to high quality, twenty-first century technology tools and resources;

(7) When aligned with standards and curriculum, technology-based assessments can be a powerful tool for teachers; and

(8) Teachers must understand how to use technology to create classroom assessments for accurate, timely measurements of student proficiency in attainment of academic content and twenty-first century skills.

(b) The state board shall ensure that the resources to be used to provide technology services to students in grades prekindergarten through twelve are included in a West Virginia 21st Century Strategic Technology Learning Plan to be developed by the Department of
41 Education as an integral component of the county and
42 school electronic strategic improvement plans as
43 required in section five of this article. The provision of
44 technologies and services to students and teachers shall
45 be based on a plan developed by each individual school
46 team and aligned with the goals and objectives of the
47 West Virginia 21st Century Strategic Technology
48 Learning Plan. This plan shall be an integral component
49 of the county and school electronic strategic
50 improvement plans as required in section five of this
51 article. Funds shall be allocated equitably to county
52 school systems following peer review of the plans that
53 includes providing necessary technical assistance prior
54 to submission and allows timely review and approval by
55 the West Virginia Department of Education. Technology
56 tools, including hardware, software, network cabling,
57 network electronics and related professional
58 development, shall be purchased pursuant to the
59 provisions of article three, chapter five-a of this code in
60 the amount equal to anticipated revenues being
61 appropriated and based on the approved county and
62 school plans. County allocations that support this
63 legislation shall adhere to state contract prices:
64 Provided, That contingent upon approval of the county
65 technology plan, counties that identify, within that
66 plan, specific software or peripheral equipment not
67 listed on the state contract, but necessary to support
68 implementation of twenty-first century skills, may
69 request the West Virginia Department of Education to
70 secure state purchasing prices for those identified items.
71 Total expenditure to purchase these additional items
72 may not exceed ten percent of the annual county
73 allocation. To the extent practicable, the technology
74 shall be used:

75 (1) To maximize student access to learning tools and
resources at all times including during regular school hours, before and after school or class, in the evenings, on weekends and holidays and for public education, noninstructional days and during vacations; and

(2) For student use for homework, remedial work, independent learning, career planning and adult basic education.

(c) The implementation of this section should provide a technology infrastructure 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 by addressing the following areas:

(1) Mastery of rigorous core academic subjects in grades prekindergarten through eight by providing software, other technology resources or both aligned with state standards in reading, mathematics, writing, science, social studies, twenty-first century learning skills and twenty-first century learning tools;

(2) Mastery of rigorous core academic subjects in grades nine through twelve by providing appropriate twenty-first century technology tools aligned with state standards for learning skills and technology tools;

(3) Attainment of twenty-first century skills outcomes for all students in the use of technology tools and learning skills;

(4) Proficiency in new, emerging twenty-first century content;

(5) Participation in relevant, contextual instruction
that uses dynamic, real-world contexts that are engaging and meaningful for students, making learning relevant to life outside of school and bridging the gap between how students live and how they learn in school;

(6) Ability to use digital and emerging technologies to manage information, communicate effectively, think critically, solve problems, work productively as an individual and collaboratively as part of a team and demonstrate personal accountability and other self-directional skills;

(7) Providing students with information on post-secondary educational opportunities, financial aid and the skills and credentials required in various occupations that will help them better prepare for a successful transition following high school;

(8) Providing greater access to advanced and other curricular offerings than could be provided efficiently through traditional on-site delivery formats, including increasing student access to quality distance learning curricula and online distance education tools;

(9) Providing resources for teachers in differentiated instructional strategies, technology integration, sample lesson plans, curriculum resources and online staff development that enhance student achievement; and

(10) Providing resources to support basic skills acquisition and improvement at the above mastery and distinguished levels.

(d) Developed with input from appropriate stakeholder groups, the West Virginia 21st Century Strategic Technology Learning Plan shall be an integral
component of the electronic strategic county and school improvement plans as required in section five of this article. The West Virginia 21st Century Strategic Technology Learning Plan shall be comprehensive and shall address, but not necessarily be limited to, the following provisions:

1. Allocation of adequate resources to provide students with equitable access to twenty-first century technology tools, including instructional offerings and appropriate curriculum, assessment and technology integration resources aligned to both the content and rigor of state content standards as well as to learning skill and technology tools;

2. Providing students and staff with equitable access to a technology infrastructure that supports the acquisition of twenty-first century skills, including the ability to access information, solve problems, communicate clearly, make informed decisions, acquire new knowledge, construct products, reports and systems and access online assessment systems;

3. Inclusion of various technologies that enable and enhance the attainment of twenty-first century skills outcomes for all students;

4. Collaboration with various partners, including parents, community organization, higher education, schools of education in colleges and universities, employers and content providers;

5. Seeking of applicable federal government funds, philanthropic funds, other partnership funds or any combination of those types of funds to augment state appropriations and encouraging the pursuit of funding
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166 through grants, gifts, donations or any other sources for
167 uses related to education technology;

168 (6) Sufficient bandwidth to support teaching and
169 learning and to provide satisfactorily for instructional
170 management needs;

171 (7) Protection of the integrity and security of the
172 network, as well as student and administrative
173 workstations;

174 (8) Flexibility to adjust the plan based on developing
175 technology, federal and state requirements and
176 changing local school and county needs;

177 (9) Incorporation of findings based upon validation
178 from research-based evaluation findings from previous
179 West Virginia-based evaluation projects;

180 (10) Continuing study of emerging technologies for
181 application in a twenty-first century learning
182 environment and inclusion in the technology plan, as
183 appropriate;

184 (11) An evaluation component to determine the
185 effectiveness of the program and make
186 recommendations for ongoing implementation;

187 (12) A program of embedded, sustained professional
188 development for teachers that is strategically developed
189 to support a twenty-first century education for all
190 students and that aligns with state standards for
191 technology, integrates twenty-first century skills into
192 educational practice and supports the implementation
193 of twenty-first century software, technology and
194 assessment resources in the classroom;
(13) Providing for uniformity in technological hardware and software standards and procedures;

(14) The strategy for ensuring that the capabilities and capacities of the technology infrastructure is adequate for acceptable performance of the technology being implemented in the public schools;

(15) Providing for a comprehensive, statewide uniform, integrated education management and information system for data collection and reporting to the Department of Education as provided in section twenty-six, article two of this chapter and commonly referred to as the West Virginia Education Information System;

(16) Providing for an effective model for the distance delivery, virtual delivery or both types of delivery of instruction in subjects where there exists low student enrollment or a shortage of certified teachers or where the delivery method substantially improves the quality of an instructional program such as the West Virginia Virtual School;

(17) Providing a strategy to implement, support and maintain technology in the public schools;

(18) Providing a strategy to provide ongoing support and assistance to teachers in integrating technology into twenty-first century instruction such as with technology integration specialists;

(19) A method of allowing public education to take advantage of appropriate bulk purchasing abilities and to purchase from competitively bid contracts initiated through the southern regional education board
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225 educational technology cooperative and the America
226 TelEdCommunications Alliance;

227 (20) Compliance with United States Department of
228 Education regulations and Federal Communications
229 Commission requirements for federal E-rate discounts;
230 and

231 (21) Other provisions as considered appropriate,
232 necessary or both to align with applicable guidelines,
233 policies, rules, regulations and requirements of the West
234 Virginia Legislature, the Board of Education and the
235 Department of Education.

236 (e) Any state code and budget references to the Basic
237 Skills/Computer Education Program and the SUCCESS
238 Initiative will be understood to refer to the statewide
239 technology initiative referenced in this section,
240 commonly referred to as the 21st Century Tools for 21st
241 Century Schools Technology Initiative.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-10. Foundation allowance to improve instructional
programs.

1 (a) The total allowance to improve instructional
2 programs shall be the sum of the following:

3 (1) For instructional improvement in accordance with
4 county and school electronic strategic improvement
5 plans required by section five, article two-e of this
6 chapter, an amount equal to fifteen percent of the
7 increase in the local share amount for the next school
8 year above any required allocation pursuant to section
9 six-b of this article shall be added to the amount of the
appropriation for this purpose for the immediately
preceding school year. The sum of these amounts shall
be distributed to the counties as follows:

(A) One hundred fifty thousand dollars shall be
allocated to each county;

(B) Distribution to the counties of the remainder of
these funds shall be made proportional to the average of
each county's average daily attendance for the
preceding year and the county's second month net
enrollment. Moneys allocated by provision of this
section shall be used to improve instructional programs
according to the county and school electronic strategic
improvement plans required by section five, article two-
e of this chapter and approved by the state board:
Provided, That notwithstanding any other provision of
this code to the contrary, moneys allocated by provision
of this section may also be used in the implementation
and maintenance of the uniform integrated regional
computer information system.

Up to twenty-five percent of this allocation may be
used to employ professional educators and service
personnel in counties after all applicable provisions of
sections four and five of this article have been fully
utilized.

Prior to the use of any funds from this section for
personnel costs, the county board must receive
authorization from the state superintendent of schools.
The state superintendent shall require the county board
to demonstrate: (1) The need for the allocation; (2)
efficiency and fiscal responsibility in staffing; (3)
sharing of services with adjoining counties and the
regional educational service agency for that county in
the use of the total local district board budget; and (4) employment of technology integration specialists to meet the needs for implementation of the West Virginia 21st Century Strategic Technology Learning Plan. County boards shall make application for available funds for the next fiscal year by the first day of May of each year. On or before the first day of June, the state superintendent shall review all applications and notify applying county boards of the distribution of the allocation. The funds shall be distributed during the fiscal year appropriate. The state superintendent shall require the county board to demonstrate the need for an allocation for personnel based upon the county's inability to meet the requirements of state law or state board policy: Provided, That the funds available for personnel under this section may not be used to increase the total number of professional noninstructional personnel in the central office beyond four. The shall be made available for distribution to the public at the office of each affected county board; plus

(2) For the purposes of the West Virginia 21st Century Strategic Technology Learning Plan provided for in section seven, article two-e of this chapter, an amount equal to fifteen percent of the increase in the local share amount for the next school year above any required allocation pursuant to section six-b of this article shall be added to the amount of the appropriation for this purpose for the immediately preceding school year. The sum of these amounts shall be allocated to the counties as provided in section seven, article two-e of this chapter to meet the objectives of the West Virginia 21st Century Strategic Technology Learning Plan; plus

(3) An amount not less than the amount required to meet debt service requirements on any revenue bonds
issued prior to the first day of January, one thousand nine hundred ninety-four, and the debt service requirements on any revenue bonds issued for the purpose of refunding revenue bonds issued prior to the first day of January, one thousand nine hundred ninety-four, shall be paid into the School Building Capital Improvements Fund created by section six, article nine-d of this chapter and shall be used solely for the purposes of that article. The School Building Capital Improvements Fund shall not be utilized to meet the debt services requirement on any revenue bonds or revenue refunding bonds for which moneys contained within the school building debt service fund have been pledged for repayment pursuant to that section.

(b) When the school improvement bonds secured by funds from the School Building Capital Improvements Fund mature, the State Board of Education shall annually deposit an amount equal to twenty-four million dollars from the funds allocated in this section into the School Construction Fund created pursuant to the provisions of section six, article nine-d, chapter eighteen of this code to continue funding school facility construction and improvements.

(c) Any project funded by the School Building Authority shall be in accordance with a comprehensive educational facility plan which must be approved by the state board and the School Building Authority.
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The 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 July 1, 2007.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ................................... this
the .............................................. Day of ................................, 2007.

Governor