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OFFICE OF THE CLERK  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2011



**ENROLLED**

**House Bill No. 3116**

(By Delegates Shaver, M. Poling, Perry, Pethel,  
Lawrence, Ennis, Smith, Pasdon and Moye)



Passed March 12, 2011

In Effect Ninety Days From Passage

HB 3116

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**E N R O L L E D**

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**H. B. 3116**

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(BY DELEGATES SHAVER, M. POLING, PERRY, PETHEL,  
LAWRENCE, ENNIS, SMITH, PASDON AND MOYE)

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[Passed March 12, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §18-5A-6 of the code of West Virginia, 1931, as amended, relating to the authority of school curriculum teams and local school collaborative processes with respect to selection and use of testing and assessment instruments not required by statute or state board when certain conditions are met; providing purposes of section; clarifying duties and removing conflicting language; specific exceptions; providing discretionary use of certain assessments, instructional strategies and programs for certain teams when certain conditions are met; vesting powers and duties of curriculum teams with certain collaborative processes if formed; and authorizing collaborative process to incorporate functions of other committees required by rule eliminate the committees at the school.

*Be it enacted by the Legislature of West Virginia:*

That §18-5A-6 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 5A. LOCAL SCHOOL INVOLVEMENT.**

**§18-5A-6. Establishment of school curriculum teams; process for teacher collaboration to improve learning.**

1 (a) There shall be established at each school in the state  
2 a school curriculum team composed of the school principal,  
3 the counselor designated to serve that school and no fewer  
4 than three teachers representative of the grades taught at the  
5 school and chosen by the faculty senate. In instances where  
6 the counselor is assigned to an elementary school or a  
7 combination elementary and middle school on less than a  
8 one-half time basis, a school curriculum team established at  
9 that school may meet on days when the counselor is not at the  
10 school and the principal shall consult with the counselor on  
11 the issues relevant to the meeting agenda.

12 (b) The purposes of this section are to implement the  
13 following goals:

14 (1) Provide professional opportunities for teachers,  
15 administrators and other school personnel that allow them to  
16 have a direct voice in the operation of their schools and to  
17 create a culture of shared decision-making focused on the  
18 ultimate goal of raising student achievement;

19 (2) Encourage the use of different, high-quality models  
20 of teaching, scheduling and other aspects of educational  
21 delivery that meet a variety of student needs;

22 (3) Increase high-quality educational opportunities for all  
23 students that close achievement gaps between high-  
24 performing and low-performing groups of public school  
25 students; and

26           (4) Provide public schools with increased school-level  
27 freedom and flexibility to achieve these purposes when they  
28 have achieved exceptional levels of results-driven  
29 accountability.

30           (c) Powers and duties of the school curriculum team. --

31           (1) Establish for use at the school the programs and  
32 methods to be used to implement a curriculum based on state-  
33 approved content standards that meet the needs of students at  
34 the individual school.

35           (A) The curriculum shall focus on reading, composition,  
36 mathematics, science and technology.

37           (B) The curriculum thus established shall be submitted to  
38 the county board which may approve for implementation at  
39 the school or may return to the curriculum team for  
40 reconsideration.

41           (2) Review the list of other, non-required testing and  
42 assessment instruments provided by the state board through  
43 the statewide assessment program as provided in section five,  
44 article two-e of this chapter. The curriculum team may select  
45 one or more tests or assessment instruments that are  
46 applicable to the grade levels at the school for use at the  
47 school to improve student learning.

48           (3) Establish for use at the school the assessments,  
49 instructional strategies and programs that it determines are  
50 best suited to promote student achievement and to achieve  
51 content standards for courses required by the state board.  
52 The curriculum team shall submit the established  
53 assessments, instructional strategies and programs to the  
54 county board which shall approve the recommendations for  
55 implementation at the school or shall return them to the  
56 curriculum team for reconsideration.

57 (d) Notwithstanding subsection (c) of this section, the  
58 school curriculum team established at a school that has  
59 achieved adequate yearly progress or has achieved an  
60 accreditation status of distinction or exemplary in accordance  
61 with section five, article two-e of this chapter, may use the  
62 assessments and implement the instructional strategies and  
63 programs consistent with the approved curriculum that it  
64 determines are best suited to promote student achievement at  
65 the school.

66 (1) The school may not be required to assess students  
67 using any specific assessment except the state summative  
68 assessment known as the WESTEST2 or any successor tests,  
69 the Alternative Performance Task Assessment, the Online  
70 Writing Assessment, and the National Assessment of  
71 Educational Progress (NAEP); and

72 (2) The school may not be required to employ any  
73 specific instructional strategy or program to achieve content  
74 standards for courses required by the state board, except as  
75 approved by the school curriculum team.

76 (e) If a school fails to achieve adequate yearly progress  
77 or if it receives any school approval level other than  
78 distinction or exemplary as set forth in section five, article  
79 two-e of this chapter, the curriculum team may not exercise  
80 the options provided in subsections (d) and (i) of this article  
81 until the school has regained one or more of these credentials.

82 (f) Nothing in this section exempts a school from  
83 assessments required by statute or state board policy  
84 including, but not limited to, the state summative assessment  
85 known as the WESTEST2 or any successor tests, the  
86 Alternative Performance Task Assessment, the Online  
87 Writing Assessment, and the National Assessment of  
88 Educational Progress (NAEP).

89 (g) The school curriculum team may apply for a waiver  
90 for instructional resources approved and adopted pursuant to  
91 article two-a of this chapter if, in the judgment of the team,  
92 the instructional resources necessary for the implementation  
93 of the instructional strategies and programs best suited to  
94 teach the school's curriculum are not available through the  
95 normal adoption process.

96 (h) The school curriculum team may apply for a grant  
97 from the state board to develop and/or implement remedial  
98 and accelerated programs to meet the needs of the students at  
99 the individual school.

100 (i) *Process for teacher collaboration. --*

101 (1) Notwithstanding the application and approval process  
102 established by article five-c of this chapter, at a school that  
103 has achieved adequate yearly progress or has achieved a  
104 school accreditation status of distinction or exemplary in  
105 accordance with section five, article two-e of this chapter, the  
106 faculty senate, with approval of the principal, may establish  
107 a process for teacher collaboration to improve instruction and  
108 learning.

109 (A) The collaborative process may be established in  
110 addition to, or as an alternative to, the school curriculum  
111 team provided for in subsection (a) of this section.

112 (B) The mission of the collaboration process is to review  
113 student academic performance based on multiple measures,  
114 to identify strategies to improve student performance and  
115 make recommendations for improvement to be implemented  
116 subject to approval of the principal.

117 (C) The teacher collaborative includes members the  
118 faculty senate determines are necessary to address the needed  
119 improvements in the academic performance of students at the

120 school. If applicable, the collaborative may consist of  
121 multiple subject area subcommittees which may meet  
122 independently.

123 (2) If a collaborative process is established as an  
124 alternative to the school curriculum team, the teacher  
125 collaborative has all the powers and duties assigned to school  
126 curriculum teams.

127 (A) The collaborative process also may incorporate the  
128 functions of the Strategic Planning Committee, the  
129 Technology Team, and/or the School Support Team.

130 (B) When the functions of any or all of these committees  
131 are incorporated into the collaborative process, the school is  
132 not required to establish a separate committee for any one  
133 whose functions have been assumed by the collaborative.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman, House Committee

  
Chairman, Senate Committee

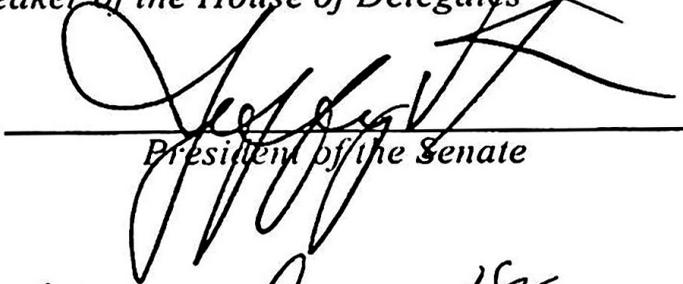
Originating in the House.

To take effect ninety days from passage.

  
Clerk of the House of Delegates

  
Clerk of the Senate

  
Speaker of the House of Delegates

  
President of the Senate

The within is approved this the 18<sup>th</sup>  
day of April, 2011.

  
Governor

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OFFICE OF THE SECRETARY OF STATE  
COMMONWEALTH OF VIRGINIA

PRESENTED TO THE GOVERNOR

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