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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014



ENROLLED

House Bill No. 4618

(By Delegates Perry, Young, Tomblin, Fragale,
Williams, Walker, Espinosa, Cooper, Moye,
Sumner and Evans, D.)



Passed March 5, 2014

In effect ninety days from passage.

HB 4618

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E N R O L L E D

H. B. 4618

(BY DELEGATES PERRY, YOUNG, TOMBLIN, FRAGALE,
WILLIAMS, WALKER, ESPINOSA, COOPER, MOYE,
SUMNER AND EVANS, D.)

[Passed March 5, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended, relating to establishing transformative system of support for early literacy; making legislative findings; requiring state board rule; minimum provisions of rule; eliminating critical skills instructional support programs for third and eighth graders; and modifying critical skills program framework to apply only to early literacy program.

Be it enacted by the Legislature of West Virginia:

That §18-2E-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ED 113

010A ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-10. Transformative system of support for early literacy.

APPROVED
STATE BOARD

1 (a) The Legislature finds that:

2 (1) In the early learning years, ensuring that each student
3 masters the content and skills needed for mastery at the next
4 grade level is critically important for student success;

5 (2) Students who do not demonstrate grade-level proficiency
6 in reading by the end of third grade become increasingly less
7 likely to succeed at each successive grade level and often drop
8 out of school prior to graduation;

9 (3) State board policy requires every school to establish a
10 process for ensuring the developmental and academic progress
11 of all students. This process is to be coordinated by a school
12 student assistance team that reviews student developmental and
13 academic needs that have persisted despite being addressed
14 through instruction, intervention, and as applicable, supports for
15 personalized learning. Ensuring the developmental and academic
16 success of all students requires every school to implement, in an
17 equitable manner, programs during and after the instructional
18 day at the appropriate instructional levels that contribute to the
19 success of students; and

20 (4) To ensure that all students read proficiently by the end of
21 third grade, a statewide comprehensive approach to early literacy
22 is required. This approach shall focus on supports during the
23 early learning years which include schools and engaged
24 communities mobilized to remove barriers, expand
25 opportunities, and assist parents in fulfilling their roles and
26 responsibilities to serve as full partners in the success of their
27 children.

28 (b) The state board shall, in accordance with the provisions
29 of article three-b, chapter twenty-nine-a of this code, promulgate

30 legislative rules as necessary to effectuate the provisions of this
31 section. The rules shall provide for at least the following:

32 (1) Development of a comprehensive, systemic approach to
33 close the reading achievement gap by third grade, which targets
34 school readiness, the attendance gap, summer learning loss and
35 a transformative intervention framework for student and learning
36 supports;

37 (2) Ensuring all West Virginia children have access to high
38 quality early learning experiences that focus on healthy learners
39 as part of the school readiness model, resulting in increased
40 populations of children on target for healthy development prior
41 to entering first grade;

42 (3) Closing the attendance gap to certify West Virginia
43 children attend school regularly and limit chronic absenteeism
44 in the early grades;

45 (4) Assisting county boards in establishing and operating
46 targeted, sustained extended day and extended year reading
47 programs to ensure grade level proficiency and battle summer
48 learning loss;

49 (5) Maximizing family engagement to result in the
50 development of a culture of literacy from birth through third
51 grade;

52 (6) Supporting high quality schools and a workforce
53 prepared to address early literacy, identification of interventions,
54 and implementation of a system of intervention for children not
55 reaching grade level proficiency;

56 (7) Ensuring the employment of qualified teachers and
57 service personnel in accordance with the provisions of section
58 thirty-nine, article five of this chapter and section seven-c, article
59 four, chapter eighteen-a of this code to provide instruction to
60 students enrolled in early literacy support programs;

61 (8) Creating a formula or grant-based program for the
62 distribution of funds appropriated specifically for the purposes
63 of this section or otherwise available for the support of a
64 targeted, comprehensive system of support for early literacy;

65 (9) Providing support for transportation and healthy foods
66 for students required to attend after-school and extended year
67 early literacy instructional support programs and supervision at
68 the school that accommodates the typical work schedules of
69 parents; and

70 (10) Receiving from county boards any applications and
71 annual reports required by rule of the state board.

72 (c) A student in grades kindergarten through three who is
73 recommended by the student assistance team or the student's
74 classroom teacher for additional assistance in one or more of the
75 key standards of English Language Arts, including reading,
76 speaking and listening, writing or language may be required to
77 attend an extended year early literacy instructional support
78 program as a condition for promotion if:

79 (1) The student has been provided additional academic help
80 through an in-school or after-school early literacy instructional
81 support program and, prior to the end of the school year, the
82 student assistance team or the student's classroom teacher
83 recommends that further additional academic help is needed for
84 the student to be successful at the next grade level; and

85 (2) The county board has established an early literacy
86 instructional support program during the extended year for the
87 student's grade level.

88 (d) County boards shall provide high-quality educational
89 facilities, equipment and services to support early literacy
90 instructional support programs established pursuant to this
91 section. Extended year programs may be provided at a central

92 location for kindergarten through third graders who qualify for
93 the program.

94 (e) This section may not be construed to prohibit a classroom
95 teacher from recommending the grade level retention of a
96 student based upon the student's lack of mastery of the subject
97 matter and preparation for the subject matter at the next grade
98 level.

99 (f) This section may not be construed to affect the
100 individualized education plans of exceptional students.

101 (g) This section may not be construed to limit the authority
102 of the county board to establish an extended year program in
103 accordance with section thirty-nine, article five of this chapter.
104 County boards may not charge tuition for enrollment in early
105 literacy instructional support programs established pursuant to
106 this section.

107 (h) Each county board shall prepare to implement the
108 provisions of this section and the provisions of the state board
109 rule required by subsection (b) of this section. The preparations
110 shall at least include planning, ensuring a process for ensuring
111 the developmental and academic progress of all students through
112 the auspices of student assistance teams as currently required by
113 state board policy and performing a needs assessment to
114 determine the potential capacity requirements for the system of
115 support for early learners.

116 (i) The state board shall provide a report describing the
117 proposed implementation of the transformative system of
118 support for early literacy to the Legislative Oversight
119 Commission on Education Accountability on or before July 1,
120 2014.

121 (j) The state board shall provide a comprehensive report
122 regarding the status of the transformative system of support for
123 early literacy to the Legislative Oversight Commission on

124 Education Accountability, the Joint Committee on Government
125 and Finance, and the Governor on November 1, 2014, and
126 annually on November 1 on each year thereafter. The report shall
127 address, at a minimum, the progress of the program throughout
128 the state, its effect on student achievement and the sources of the
129 funding both available to and used by the program.

130 (k) The provisions of this section are subject to the
131 availability of funds from legislative appropriation or other
132 sources specifically designated for the purposes of this section.
133 If a county board determines that adequate funds are not
134 available for full implementation of a transformative system of
135 support for early literacy in the county, the county board may
136 implement its program in phases by first establishing early
137 literacy instructional support programs in the early readiness
138 grades (Kindergarten), then the primary grades (Grades 1-2), and
139 then establishing an early literacy instructional support program
140 for the third grade once the county board determines that
141 adequate funds are available.

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

Danny Wells

Chairman, House Committee

Rocky Fulkerson
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Suzanne D. Spivey
Clerk of the House of Delegates

Joseph M. Minard
Clerk of the Senate

Robert G. Witt
Speaker of the House of Delegates

Jeffrey R. Blaine
President of the Senate

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The within is approved this the 26th
day of March, 2014.

Earl Ray Tomblin
Governor

PRESENTED TO THE GOVERNOR

MAR 20 2014

Time 11:08 am