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.
ENROLLED

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(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:
ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

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

(a) The Legislature finds that:

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

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

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

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

(b) The state board shall, in accordance with the provisions 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:

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

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

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

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

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

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

(7) Ensuring the employment of qualified teachers and
50 service personnel in accordance with the provisions of section
51 thirty-nine. article five of this chapter and section seven-c, article
52 four, chapter eighteen-a of this code to provide instruction to
53 students enrolled in early literacy support programs;
(8) Creating a formula or grant-based program for the
distribution of funds appropriated specifically for the purposes
of this section or otherwise available for the support of a	
targeted, comprehensive system of support for early literacy;

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

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

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

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

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

(d) County boards shall provide high-quality educational
facilities, equipment and services to support early literacy
instructional support programs established pursuant to this
section. Extended year programs may be provided at a central
location for kindergarten through third graders who qualify for the program.

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

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

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

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

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

(j) The state board shall provide a comprehensive report regarding the status of the transformative system of support for early literacy to the Legislative Oversight Commission on
Education Accountability, the Joint Committee on Government and Finance, and the Governor on November 1, 2014, and annually on November 1 on each year thereafter. The report shall address, at a minimum, the progress of the program throughout the state, its effect on student achievement and the sources of the funding both available to and used by the program.

(k) The provisions of this section are subject to the availability of funds from legislative appropriation or other sources specifically designated for the purposes of this section. If a county board determines that adequate funds are not available for full implementation of a transformative system of support for early literacy in the county, the county board may implement its program in phases by first establishing early literacy instructional support programs in the early readiness grades (Kindergarten), then the primary grades (Grades 1-2), and then establishing an early literacy instructional support program for the third grade once the county board determines that adequate funds are available.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In 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 26th day of March, 2014.

Governor
PRESENTED TO THE GOVERNOR

MAR 2 0 2014

Time 11:08 am