

1 **ENROLLED**

2 **H. B. 3116**

3 (By Delegates Shaver, M. Poling, Perry, Pethtel, Lawrence,
4 Ennis, Smith, Pasdon and Moye)
5
6

7 [Passed March 12, 2011; in effect ninety days from passage.]
8
9

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (B) The curriculum thus established shall be submitted to
12 the county board which may approve for implementation at the
13 school or may return to the curriculum team for reconsideration.

14 (2) Review the list of other, non-required testing and
15 assessment instruments provided by the state board through the
16 statewide assessment program as provided in section five, article
17 two-e of this chapter. The curriculum team may select one or more
18 tests or assessment instruments that are applicable to the grade
19 levels at the school for use at the school to improve student
20 learning.

21 (3) Establish for use at the school the assessments,
22 instructional strategies and programs that it determines are best
23 suited to promote student achievement and to achieve content
24 standards for courses required by the state board. The
25 curriculum team shall submit the established assessments,
26 instructional strategies and programs to the county board which

1 shall approve the recommendations for implementation at the
2 school or shall return them to the curriculum team for
3 reconsideration.

4 (d) Notwithstanding subsection (c) of this section, the
5 school curriculum team established at a school that has achieved
6 adequate yearly progress or has achieved an accreditation status
7 of distinction or exemplary in accordance with section five,
8 article two-e of this chapter, may use the assessments and
9 implement the instructional strategies and programs consistent
10 with the approved curriculum that it determines are best suited
11 to promote student achievement at the school.

12 (1) The school may not be required to assess students using
13 any specific assessment except the state summative assessment
14 known as the WESTEST2 or any successor tests, the Alternative
15 Performance Task Assessment, the Online Writing Assessment, and
16 the National Assessment of Educational Progress (NAEP); and

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

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

1 (f) Nothing in this section exempts a school from
2 assessments required by statute or state board policy including,
3 but not limited to, the state summative assessment known as the
4 WESTEST2 or any successor tests, the Alternative Performance Task
5 Assessment, the Online Writing Assessment, and the National
6 Assessment of Educational Progress (NAEP).

7 (g) The school curriculum team may apply for a waiver for
8 instructional resources approved and adopted pursuant to article
9 two-a of this chapter if, in the judgment of the team, the
10 instructional resources necessary for the implementation of the
11 instructional strategies and programs best suited to teach the
12 school's curriculum are not available through the normal adoption
13 process.

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

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

19 (1) Notwithstanding the application and approval process
20 established by article five-c of this chapter, at a school that
21 has achieved adequate yearly progress or has achieved a school
22 accreditation status of distinction or exemplary in accordance
23 with section five, article two-e of this chapter, the faculty
24 senate, with approval of the principal, may establish a process
25 for teacher collaboration to improve instruction and learning.

26 (A) The collaborative process may be established in addition

1 to, or as an alternative to, the school curriculum team provided
2 for in subsection (a) of this section.

3 (B) The mission of the collaboration process is to review
4 student academic performance based on multiple measures, to
5 identify strategies to improve student performance and make
6 recommendations for improvement to be implemented subject to
7 approval of the principal.

8 (C) The teacher collaborative includes members the faculty
9 senate determines are necessary to address the needed
10 improvements in the academic performance of students at the
11 school. If applicable, the collaborative may consist of multiple
12 subject area subcommittees which may meet independently.

13 (2) If a collaborative process is established as an
14 alternative to the school curriculum team, the teacher
15 collaborative has all the powers and duties assigned to school
16 curriculum teams.

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

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