

1 **H. B. 3116**

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

4 [Originating in the Committee on Education]

5 (February 10, 2011)

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10 A BILL 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.**

1       **§18-5A-6. Establishment of school curriculum teams; process for**  
2                                   **teacher collaboration to improve learning.**

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

14       (b) The purposes of this section are to:

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

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

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

26           (4) Provide public schools that have achieved exceptional

1 levels of results-driven accountability with increased school-  
2 level freedom and flexibility to achieve these purposes.

3 (c) The school curriculum team shall:

4 (1) Establish for use at the school the programs and methods  
5 for implementing a curriculum based on state-approved content  
6 standards ~~based on~~ that meet the needs of students at the  
7 individual school with a focus on reading, composition,  
8 mathematics, science and technology. The curriculum thus  
9 established shall be submitted to the county board for approval  
10 for implementation at the school or for return to the ~~school~~  
11 curriculum team for reconsideration.

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

19 ~~(3) The school has the discretion to use the~~ Establish for  
20 use at the school the assessments, ~~and implement the~~  
21 instructional strategies and programs, ~~upon approval by the~~  
22 ~~school curriculum team,~~ that it determines best to promote  
23 student achievement at the school and to achieve content  
24 standards for courses required by the state board. The  
25 assessments, instructional strategies and programs thus  
26 established shall be submitted to the county board for approval

1 for implementation at the school or for return to the curriculum  
2 team for reconsideration. The school curriculum team may apply  
3 for a waiver of any state or county policy requiring it to assess  
4 students using any specific assessment except

5 (d) Notwithstanding the provisions of subsection (c) of this  
6 section, the school curriculum team of a school that has achieved  
7 adequate yearly progress or that has achieved a school  
8 accreditation status of distinction or exemplary in accordance  
9 with the provisions of section five, article two-e of this  
10 chapter, has the discretion to use the assessments and implement  
11 the instructional strategies and programs that it determines best  
12 to promote student achievement at the school consistent with the  
13 approved curriculum. The school may not be required to assess  
14 students using any specific assessment except the state summative  
15 assessment known as the WESTEST2 or any successor tests, the  
16 Alternative Performance Task Assessment, the Online Writing  
17 Assessment, and the National Assessment of Educational Progress  
18 (NAEP), nor may it be required to employ any specific  
19 instructional strategy or program to achieve content standards  
20 for courses required by the state board, except as approved by  
21 the school curriculum team.

22 (e) Nothing in this section may be construed as exempting a  
23 school from assessments required by statute or state board  
24 policy, including but not limited to, the state summative  
25 assessment known as the WESTEST2 or any successor tests, the  
26 Alternative Performance Task Assessment, the Online Writing

1 Assessment, and the National Assessment of Educational Progress  
2 (NAEP). ~~or to employ any specific instructional strategy or~~  
3 ~~program to achieve content standards for courses required by the~~  
4 ~~state board. Attainment by the school of at least full~~  
5 ~~accreditation status for the previous year shall be the factor~~  
6 ~~considered for granting the waiver request.~~

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

14 ~~School curriculum teams may request waivers of non-state~~  
15 ~~mandated tests listed in their county board policies. The~~  
16 ~~determination of whether to grant the request shall be based on~~  
17 ~~the school's accreditation status. Waivers are in effect for one~~  
18 ~~year only. School curriculum teams may resubmit the same or~~  
19 ~~additional waiver requests the following year.~~

20 (g) The school curriculum team may apply for a grant from  
21 the state board for the development or implementation, or both,  
22 of remedial and accelerated programs to meet the needs of the  
23 students at the individual school.

24 ~~(b)~~ (h) Notwithstanding the application and approval  
25 provisions of article five-c of this chapter, at a school that  
26 has achieved adequate yearly progress or achieved a school

1 accreditation status of distinction or exemplary in accordance  
2 with the provisions of section five, article two-e of this  
3 chapter, the ~~Each~~ faculty senate with approval of the principal  
4 may, in addition to or as an alternative to the school curriculum  
5 team provided for in subsection (a) of this section, establish a  
6 process for teacher collaboration to improve instruction and  
7 learning. The mission of the collaboration process is to review  
8 student academic performance based on multiple measures, to  
9 identify strategies to improve student performance and make  
10 recommendations for improvement to be implemented subject to  
11 approval of the principal. The collaborative process shall  
12 include such members as determined necessary by the faculty  
13 senate to address the needed improvements in the academic  
14 performance of students at the school and, if applicable, may  
15 consist of multiple subject area subcommittees which may meet  
16 independently. If the collaboration process is established as an  
17 alternative to the school curriculum team, the powers and duties  
18 granted to school curriculum teams shall vest in the  
19 collaboration process. The collaborative process may also  
20 incorporate the functions of any or all of the following school-  
21 level committees required by state board rule and these separate  
22 committees shall not be required at the school: The Strategic  
23 Planning Committee, the Technology Team and the School Support  
24 Team.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.