COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 516

(By Senators Plymale, Browning, Unger, Jenkins, Kessler (Acting President) and Stollings)

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[Originating in the Committee on Education; reported February 18, 2011.]

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A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18-2-38 and §18-2-39, all relating to improving public education results; requiring the state board to promulgate a rule establishing a high-quality digital learning program; specifying ten elements the program must encompass which are elements pertaining to student eligibility, student access, personalized learning, advancement, content, instruction, digital learning providers, assessment, accountability, funding and delivery; recognizing the State Board of Education's Middle School Global 21 initiative including its goals, objectives and process; recognizing that the State Board of Education is seeking state funding for the implementation of the initiative; and requiring State Board of Education to report to the Legislative Oversight Commission on Education Accountability at certain intervals on the implementation of the initiative

until fully implemented.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new sections, designated §18-2-38 and §18-2-39, all to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-38. State board to establish high-quality digital learning program.

(a) The Legislature finds that:

(1) As technology becomes an increasingly integral part of our society, it has become imperative for West Virginia's students to have digital media incorporated into their learning curriculums. Many students use digital media in every aspect of their lives outside of school, yet our approach to learning is roughly the same as it was fifty years ago. In order to keep students engaged, we must present information using a format they are familiar with, such as digital learning;

(2) The traditional approach to learning is resulting in a great number of West Virginia students dropping out of high school or graduating unprepared for college or the workforce. This is evidenced by the high number of students who enter college needing to take developmental courses;

(3) Finding resources to improve the education system is never easy. However, a high-quality education system should be viewed as an investment in the future economy that has a high rate of return.

This return is a skilled workforce to fill high-wage jobs which is a valuable resource for the state;

(4) Former Governor of West Virginia, Bob Wise, and former Governor of Florida, Jeb Bush, created the Digital Learning Council to identify policies that would integrate current and future technological innovations into public education. The council included more than one hundred leaders from education, government, philanthropy, business, technology and think tanks. The council identified ten elements of high-quality digital learning; and

(5) Digital learning can customize and personalize education allowing students to learn in their own style and at their own pace. Digital learning breaks down geographic barriers allowing every student to enroll in courses they would not otherwise have access to. Students in the most remote areas can enroll in high-quality college-prep and career-prep courses taught by a highly qualified teacher through multiple access points.

(b) The provisions of this section are subject to appropriation by the Legislature and subject to the provision of adequate professional development for teachers.

(c) The state board shall promulgate a rule in accordance with article three-b, chapter twenty-nine-a of this code establishing a high-quality digital learning program in accordance with this article. The program shall encompass the following ten elements:

(1) Student eligibility: All students are digital learners. The West Virginia Department of Education shall ensure access to high quality digital content and on-line courses for all students

enrolled in kindergarten through grade twelve at any time in their academic career and also to all who are not enrolled in a public school in grades kindergarten through twelve but are eligible for enrollment.

(2) Student access: All students have access to high-quality digital content and on-line courses.

(A) The West Virginia Department of Education only may limit access to high-quality digital learning based on capacity. Nothing may restrict access to high-quality digital content and on-line courses based on arbitrary class-size ratios, arbitrary caps on enrollment, arbitrary caps on budget or geography.

(B) The West Virginia Department of Education shall require students to take high-quality on-line college-preparation or career-preparation courses as a condition to earning a high school diploma.

(3) Personalized learning: All students can customize their education using digital content through an approved digital learning provider.

(A) Students may take on-line classes full-time, part-time or by individual course.

(B) Students may enroll with multiple digital learning providers and blend online courses with on-site learning.

(C) Students may enroll year round.

(D) Students may earn an unlimited number of credits on-line.

(E) Students may experience hybrid learning which means that they may learn in an on-line or computer-based environment part of

the day and in a traditional classroom, even one-on-one tutoring for part of the day.

(4) Advancement: Students progress based on demonstrated competency.

(A) Advancement shall be based on demonstrated competency and not on seat-time requirements.

(B) Students shall take assessments when they are ready to complete the course or unit in order to demonstrate competency.

(5) Content: Digital content, instructional materials and on-line and blended learning courses are high quality. Digital content and on-line and blended learning courses shall be aligned with state standards or internationally benchmarked standards where applicable.

(6) Instruction: Digital instruction and teachers are high quality.

(A) The Legislature and state board shall develop and provide alternative certification routes including on-line instruction and performance-based certification.

(B) An on-line teacher from any state shall meet the Essential Principles of High Quality Online Teaching developed by the Southern Regional Education Board.

(C) The state board shall maximize the use of digital instruction to allow one digital educator to provide instruction across the state and nation.

(D) Teacher preparation programs are encouraged to offer targeted digital instruction training and shall adopt digital

instruction training in all teacher preparation programs by the 2012-2013 school year.

(E) A teacher may not teach an on-line or blended learning course unless that teacher has had professional development or training to use the technology for teaching an on-line or blended learning course.

(7) Digital learning providers: All students have access to multiple high-quality digital learning providers.

(A) The West Virginia Department of Education shall create an open transparent, expeditious approval process for digital learning providers. In addition to the new process, the already established instructional materials adoption process or the West Virginia Virtual School evaluation process for content providers may be used. Since there is a rigorous evaluation component for content alignment to state standards, all three methods are exempt from the procurement requirements set forth in chapter five-a of this code to meet the critical time lines of providing content to students and teachers when needed.

(B) Students shall have access to multiple approved digital learning providers including public, private and nonprofit and all are treated equally.

(C) All students shall have access to all approved digital learning providers.

(D) The state board may not require that digital learning providers be located in this state nor may the state board create any administrative requirements that would unnecessarily limit

participation of high-quality providers.

(E) The state board shall ensure that easy-to-understand information about digital learning, including information about programs, content, courses, tutors and other digital resources, is provided to students.

(8) Assessment and accountability: Student learning is one method of evaluating the quality of content and instruction.

(A) The state board shall provide for the administration of assessments digitally, and shall create a digital formative assessment system.

(B) The state board shall evaluate the quality of content and courses predominately based on student learning data, and shall terminate the contracts of digital learning providers and programs that do not achieve an acceptable level of student learning as defined by the state board in the rule required by this section.

(C) The state board shall evaluate the effectiveness of teachers based partly on student learning data.

(D) The Legislature and state board shall hold schools and digital learning providers accountable for achievement and growth.

(9) Funding: Funding creates incentives for performance, options and innovation.

(A) The state board shall develop a funding model that pays digital learning providers in installments that incentivize completion and achievement.

(B) Digital content may be acquired through funding for instructional resources. The state board shall ensure that

instructional resources adoption practices do not discourage digital content. If the state board finds that any part of this code related to instructional resources adoption discourages digital content, the state board shall make a recommendation to the Legislature for amending this code.

(C) The state board shall ensure that state funding allows for customization of education including choice of digital learning providers. If the state board finds that any part of this code inhibits customization of education, the state board shall make a recommendation to the Legislature for amending this code.

(10) Delivery: Infrastructure supports digital learning.

(A) The state board shall ensure that textbooks are being replaced, when appropriate, with digital content, including interactive and adaptive multimedia. The state board shall develop a plan for accomplishing this and report the plan to the Legislative Oversight Commission on Education Accountability before December 1, 2011.

(B) The state board shall work with the Legislature and other entities to ensure that Internet access is available for learning for public school teachers and students.

(C) The state board shall work with the Legislature and other entities to ensure that all public school students and teachers have Internet access devices for learning.

(D) The state board shall maximize purchasing power to negotiate lower cost licenses and contracts for digital content and online courses.

(E) The state board shall ensure that local and state data systems and related applications are updated and robust to inform longitudinal management decisions, accountability and instruction.

§18-2-39. Global 21 Middle School.

(a) The Legislature finds that:

(1) West Virginia students continue to face an achievement gap between themselves and students in other states and internationally, beginning, in many cases, in middle school. For example, according to the National Assessment of Educational Progress (NAEP) report, "The Nation's Report Card: Science 2009," West Virginia students' scores are consistent with the national average in fourth grade, but have dropped into the lower fifteen states by eighth grade. It is crucial that we find innovative ways of keeping our middle school students engaged in learning, both to increase student achievement and to lower high school drop out rates. One approach to accomplishing these goals is through the implementation of digital learning in conjunction with career and technical education;

(2) Career and technical education is closely tied to successful work force development in West Virginia. According to the Georgetown University Center on Education and the Workforce, by 2018, forty-nine percent of all jobs in West Virginia will require some education beyond high school in order to maintain our current economic productivity. Of those jobs, fifty-eight percent will be filled by those with certificates or associate's degree. Meeting this goal necessitates a successful partnership between public and

higher education in order to enhance college and career readiness. Providing dual enrollment opportunities for high school students in community and technical college programs will encourage them to stay in school and stay engaged; furthermore it will create a viable pipeline towards degrees and certificates, rather than just compartmentalizing at-risk students;

(3) Blending academics and career and technical education can raise graduation rates and achievement according to the Southern Regional Education Board. Combining core learning principles with applied vocational learning modules and delivering them through digital learning media should serve that purpose, while also adhering to the high-quality digital learning elements set forth in section thirty-eight of this article;

(4) The state board has developed and is seeking funding to implement an initiative entitled "Middle School Global 21". The goals identified for this program are to:

(A) Increase student achievement in all core subject areas in order to enhance career and college readiness; and

(B) Increase student "informed" decisions and establishment of realistic career goals;

(5) The state board also has identified objectives for the initiative. These include:

(A) Include authentic, real-world application modules that enhance career readiness in the core curriculum;

(B) Increase in the amount of time for students to acquire fundamental skills through access to academic and career resources

twenty-four hours per day and seven days per week;

(C) Engagement of all students in their own learning process and the documentation of their progression;

(D) Documentation of student mastery and progress through an individual digital student profile system;

(E) Preparation of all students to make informed decisions and set realistic career goals, as reflected in an Individual Student Transition Plan that leads to a positive postsecondary outcome;

(F) Increase of successful career technical education participation, insuring every student has an "informed destination"; and

(G) Connection of students to post-secondary pathways including both community and technical and 4-year colleges;

(6) The process identified by the state board to accomplish the stated goals and objectives includes the following:

(A) Create a functional, digital platform to support the content delivery and documentation of individual student learning. This platform validates the student's acquisition of designated skill sets; provides the student with an individualized portfolio; and provides parents, students and teachers the ability to quickly assess the students position on the learning ladder;

(B) Design and/or procure engaging and relevant middle school career-focused modules that enhance rigorous core courses through a hands-on project-based curriculum, and transform students' core courses to have a career focus and a hands-on project-based curriculum;

(C) Provide students with learning opportunities twenty-four hours per day and seven days per week through equity of access to technology;

(D) Connect with community and technical colleges by:

(i) Developing career technical education and community and technical college concentrations at the secondary level. These concentrations would be designed so that students could graduate with an associate degree along with a high school diploma or a shortened degree granting period;

(ii) Requiring all students to engage in a capstone project in the eighth grade that would gather evidence that the student is prepared to be successful in high school;

(iii) Establishing mentoring relationships with community and technical colleges that would allow community and technical colleges to appoint student and/or faculty members to serve as mentors;

(E) Establish a memorandum of understanding with each county and school to implement all elements of Global 21 Middle School and establish defined supports. This memorandum of understanding would include the provision of adult mentors for students; working with the community to enrich student success such as through tutoring; the inclusion of physical education, health, wellness, the arts and world language in the curriculum; and a positive behavior structure.

(7) The state board is seeking state funding for the implementation of this Global 21 Middle School initiative. This

includes funding for the development of a digital platform for all middle schools. Additionally, funding is being sought to pilot schools who sign the memorandum of understanding to implement additional career modules and to be evaluated.

(b) The state board shall report to the Legislative Oversight Commission on Education Accountability once every month that the commission meets on the implementation of this Global 21 Middle School initiative until the initiative is fully implemented.