

Senate Bill No. 516

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

[Introduced February 15, 2011; referred to the Committee on
Education; and then to the Committee on Finance.]

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
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

1 Legislative Oversight Commission on Education Accountability
2 at certain intervals on the implementation of the initiative
3 until fully implemented.

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

5 That the Code of West Virginia, 1931, as amended, be amended
6 by adding thereto two new sections, designated §18-2-38 and §18-2-
7 39, all to read as follows:

8 **ARTICLE 2. STATE BOARD OF EDUCATION.**

9 **§18-2-38. State board to establish high quality digital learning**
10 **program.**

11 (a) The Legislature finds that:

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

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

1 (3) Finding resources to improve the education system is never
2 easy. However, a high quality education system should be viewed as
3 an investment in the future economy that has a high rate of return.
4 This return is a skilled workforce to fill high-wage jobs which is
5 a valuable resource for the state;

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

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

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

23 (c) The state board shall promulgate a rule in accordance with
24 article three-b, chapter twenty-nine-a of this code establishing a

1 high quality digital learning program in accordance with this
2 article. The program shall encompass the following ten elements:

3 (1) Student eligibility: All students are digital learners.
4 The state board shall ensure access to high quality digital content
5 and on-line courses for all students enrolled in kindergarten
6 through grade twelve at any time in their academic career and also
7 to all who are not enrolled in a public school in grades
8 kindergarten through twelve but are eligible for enrollment.

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

11 (A) The state board only may limit access to high quality
12 digital learning based on capacity. Nothing may restrict access to
13 high quality digital content and on-line courses based on arbitrary
14 class-size ratios, arbitrary caps on enrollment, arbitrary caps on
15 budget or geography.

16 (B) The state board shall require students to take high
17 quality on-line college-preparation or career-preparation courses
18 as a condition to earning a high school diploma.

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

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

24 (B) Students may enroll with multiple digital learning

1 providers and blend online courses with on-site learning.

2 (C) Students may enroll year round.

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

4 (E) Students may experience blended learning which means that
5 they may learn in an on-line or computer-based environment part of
6 the day and in a traditional classroom, even one-on-one tutoring
7 for part of the day.

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

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

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

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

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

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

24 (B) An on-line teacher from another state shall be awarded a

1 teaching certificate for a comparable grade level and subject area
2 valid in the public schools of this state subject to the
3 requirements of section one, article three, chapter eighteen-a of
4 this code relating to certifying a teacher from another state. If
5 obstacles to student learning arise from the certification process,
6 the state board shall perform a review and take any action
7 necessary to address the obstacle including making recommendations
8 to the Legislature for changes to this code.

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

12 (D) Teacher preparation programs are encouraged to offer
13 targeted digital instruction training and shall adopt digital
14 instruction training in all teacher preparation programs by the
15 2012-2013 school year.

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

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

22 (A) The state board shall create an open transparent,
23 expeditious approval process for digital learning providers.

24 (B) Students shall have access to multiple approved digital

1 learning providers including public, private and nonprofit and all
2 are treated equally.

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

5 (D) The state board may not require that digital learning
6 providers be located in this state nor may the state board create
7 any administrative requirements that would unnecessarily limit
8 participation of high quality providers.

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

13 (8) Assessment and accountability: Student learning is the
14 metric for evaluating the quality of content and instruction.

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

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

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

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

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

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

8 (B) Digital content may be acquired through funding for
9 instructional resources. The state board shall ensure that
10 instructional resources adoption practices do not discourage
11 digital content. If the state board finds that any part of this
12 code related to instructional resources adoption discourages
13 digital content, the state board shall make a recommendation to the
14 Legislature for amending this code.

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

20 (10) Delivery: Infrastructure supports digital learning.

21 (A) The state board shall ensure that textbooks are being
22 replaced, when appropriate, with digital content, including
23 interactive and adaptive multimedia. The state board shall develop
24 a plan for accomplishing this and report the plan to the

1 Legislative Oversight Commission on Education Accountability before
2 December 1, 2011.

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

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

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

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

15 **§18-2-39. Global 21 Middle School.**

16 (a) The Legislature finds that:

17 (1) West Virginia students continue to face an achievement gap
18 between themselves and students in other states and
19 internationally, beginning, in many cases, in middle school. For
20 example, according to the National Assessment of Educational
21 Progress (NAEP) report, "The Nation's Report Card: Science 2009,"
22 West Virginia students' scores are consistent with the national
23 average in fourth grade, but have dropped into the lower fifteen
24 states by eighth grade. It is crucial that we find innovative ways

1 of keeping our middle school students engaged in learning, both to
2 increase student achievement and to lower high school drop out
3 rates. One approach to accomplishing these goals is through the
4 implementation of digital learning in conjunction with career and
5 technical education;

6 (2) Career and technical education is closely tied to
7 successful work force development in West Virginia. According to
8 the Georgetown University Center on Education and the Workforce, by
9 2018, forty-nine percent of all jobs in West Virginia will require
10 some education beyond high school in order to maintain our current
11 economic productivity. Of those jobs, fifty-eight percent will be
12 filled by those with certificates or associate's degree. Meeting
13 this goal necessitates a successful partnership between public and
14 higher education in order to enhance college and career readiness.
15 Providing dual enrollment opportunities for high school students in
16 community and technical college programs will encourage them to
17 stay in school and stay engaged; furthermore it will create a
18 viable pipeline towards degrees and certificates, rather than just
19 compartmentalizing at-risk students;

20 (3) Blending academics and career and technical education can
21 raise graduation rates and achievement according to the Southern
22 Regional Education Board. Combining core learning principles with
23 applied vocational learning modules and delivering them through
24 digital learning media should serve that purpose, while also

1 adhering to the high quality digital learning elements set forth in
2 section thirty-eight of this article;

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

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

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

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

12 (A) Integration of relevant, hands-on career development
13 modules into the core curriculum;

14 (B) Increase in the amount of time for students to acquire
15 fundamental skills through access to academic and career resources
16 twenty-four hours per day and seven days per week;

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

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

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

24 (F) Increase of successful career technical education

1 participation, insuring every student has an "informed
2 destination"; and

3 (G) Connection of students to the community and technical
4 college pathway early in their academic careers;

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

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

13 (B) Design and/or procure engaging and relevant middle school
14 career-focused modules in the academic core, and transform
15 students' core courses to have a career technical focus and a
16 hands-on project-based curriculum;

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

20 (D) Connect with community and technical colleges by:

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

1 shortened degree granting period;

2 (ii) Requiring students who display an interest in career
3 technical education and community and technical college
4 concentrations to engage in a capstone project in the eighth grade
5 that would gather evidence that the student is prepared to be
6 successful in those specific areas;

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

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

18 (7) The state board is seeking state funding for the
19 implementation of this Global 21 Middle School initiative. This
20 includes funding for the development of a digital platform for
21 middle schools and the development or procurement of math and
22 science career modules for pilot sites.

23 (b) The state board shall report to the Legislative Oversight
24 Commission on Education Accountability once every month that the

1 commission meets on the implementation of this Global 21 Middle
2 School initiative until the initiative is fully implemented.

NOTE: The purpose of this bill is to require the State Board of Education to promulgate a rule to establish a high quality digital learning program and to set forth the ten elements of the program which pertain to student eligibility, student access, personalized learning, advancement, content, instruction, digital learning providers, assessment, accountability, funding and delivery; to recognize the State Board of Education's Middle School Global 21 initiative and that the board is requesting state funding for the initiative; and to require the State Board to report to the Legislative Oversight Commission on Education Accountability every month that the commission meets on the implementation of the initiative until fully implemented.

These sections are new; therefore, strike-throughs and underscoring have been omitted.