

H. B. 3116

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[Originating in the Committee on Education]
(February 10, 2011)

A BILL to amend and reenact §18-5A-6 of the code of West Virginia, 1931, as amended, relating to the authority of school curriculum teams and local school collaborative processes with respect to selection and use of testing and assessment instruments not required by statute or state board when certain conditions are met; providing purposes of section; clarifying duties and removing conflicting language; specific exceptions; providing discretionary use of certain assessments, instructional strategies and programs for certain teams when certain conditions are met; vesting powers and duties of curriculum teams with certain collaborative processes if formed; and authorizing collaborative process to incorporate functions of

other committees required by rule eliminate the committees at the school.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 5A. LOCAL SCHOOL INVOLVEMENT.

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

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

13 (b) The purposes of this section are to:
14 (1) Provide professional opportunities for teachers,
15 administrators and other school personnel that allow them to

16 have a direct voice in the operation of their schools and to
17 create a culture of shared decision-making toward the
18 ultimate goal of raising student achievement;

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

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

26 (4) Provide public schools that have achieved exceptional
27 levels of results-driven accountability with increased school-
28 level freedom and flexibility to achieve these purposes.

29 (c) The school curriculum team shall:

30 (1) Establish for use at the school the programs and
31 methods for implementing a curriculum based on state-
32 approved content standards based on that meet the needs of
33 students at the individual school with a focus on reading,
34 composition, mathematics, science and technology. The
35 curriculum thus established shall be submitted to the county
36 board for approval for implementation at the school or for
37 return to the school curriculum team for reconsideration.

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

45 (3) ~~The school has the discretion to use the Establish for~~
46 ~~use at the school the assessments, and implement the~~
47 instructional strategies and programs, upon approval by the
48 school curriculum team; that it determines best to promote
49 student achievement at the school and to achieve content
50 standards for courses required by the state board. The
51 assessments, instructional strategies and programs thus
52 established shall be submitted to the county board for
53 approval for implementation at the school or for return to the
54 curriculum team for reconsideration. The school curriculum
55 ~~team may apply for a waiver of any state or county policy~~
56 ~~requiring it to assess students using any specific assessment~~
57 ~~except~~

58 (d) Notwithstanding the provisions of subsection (c) of
59 this section, the school curriculum team of a school that has

60 achieved adequate yearly progress or that has achieved a
61 school accreditation status of distinction or exemplary in
62 accordance with the provisions of section five, article two-e
63 of this chapter, has the discretion to use the assessments and
64 implement the instructional strategies and programs that it
65 determines best to promote student achievement at the school
66 consistent with the approved curriculum. The school may not
67 be required to assess students using any specific assessment
68 except the state summative assessment known as the
69 WESTEST2 or any successor tests, the Alternative
70 Performance Task Assessment, the Online Writing
71 Assessment, and the National Assessment of Educational
72 Progress (NAEP), nor may it be required to employ any
73 specific instructional strategy or program to achieve content
74 standards for courses required by the state board, except as
75 approved by the school curriculum team.

76 (e) Nothing in this section may be construed as
77 exempting a school from assessments required by statute or
78 state board policy, including but not limited to, the state
79 summative assessment known as the WESTEST2 or any
80 successor tests, the Alternative Performance Task
81 Assessment, the Online Writing Assessment, and the

82 National Assessment of Educational Progress (NAEP). or to
83 employ any specific instructional strategy or program to
84 achieve content standards for courses required by the state
85 board. Attainment by the school of at least full accreditation
86 status for the previous year shall be the factor considered for
87 granting the waiver request.

88 (f) The school curriculum team also may apply for a
89 waiver for instructional resources approved and adopted
90 pursuant to article two-a of this chapter if, in the judgment of
91 the team, the instructional resources necessary for the
92 implementation of the instructional strategies and programs
93 best suited to teach the school's curriculum are not available
94 through the normal adoption process.

95 School curriculum teams may request waivers of non-
96 state mandated tests listed in their county board policies. The
97 determination of whether to grant the request shall be based
98 on the school's accreditation status. Waivers are in effect for
99 one year only. School curriculum teams may resubmit the
100 same or additional waiver requests the following year.

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

105 (b) Notwithstanding the application and approval
106 provisions of article five-c of this chapter, at a school that has
107 achieved adequate yearly progress or achieved a school
108 accreditation status of distinction or exemplary in accordance
109 with the provisions of section five, article two-e of this
110 chapter, the Each faculty senate with approval of the
111 principal may, in addition to or as an alternative to the school
112 curriculum team provided for in subsection (a) of this section,
113 establish a process for teacher collaboration to improve
114 instruction and learning. The mission of the collaboration
115 process is to review student academic performance based on
116 multiple measures, to identify strategies to improve student
117 performance and make recommendations for improvement to
118 be implemented subject to approval of the principal. The
119 collaborative process shall include such members as
120 determined necessary by the faculty senate to address the
121 needed improvements in the academic performance of
122 students at the school and, if applicable, may consist of
123 multiple subject area subcommittees which may meet
124 independently. If the collaboration process is established as
125 an alternative to the school curriculum team, the powers and
126 duties granted to school curriculum teams shall vest in the

127 collaboration process. The collaborative process may also
128 incorporate the functions of any or all of the following
129 school-level committees required by state board rule and
130 these separate committees shall not be required at the school:
131 The Strategic Planning Committee, the Technology Team
132 and the School Support Team.

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