

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 228

(By Senators Kessler (Acting President) and Hall,
By Request of the Executive)

[Originating in the Committee on Education;
reported February 16, 2011.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-8B-1, §18-8B-2, §18-8B-3, §18-8B-4, §18-8B-5 and §18-8B-6, all relating to school dropout prevention and recovery; creating the Local Solution Dropout Prevention and Recovery Act; providing legislative findings and purpose; defining terms; creating a Local Solution Dropout Prevention and Recovery Committee to implement this act and the state board rules required by this act; requiring Local Solution Dropout Prevention and Recovery Committee to develop a comprehensive statewide student

data system; establishing pilot sites to test individual statewide student data system; creating special revenue fund in State Treasury entitled the Local Solution Dropout Prevention and Recovery Fund; providing application process for groups of schools, school districts or community-based education enrichment entities approved by the county board to become designated dropout prevention and recovery pilot projects; requiring State Board of Education emergency rules to implement dropout prevention and recovery pilot program, application and award process; and requiring the Local Solution Dropout Prevention and Recovery Committee to provide the Legislature with annual reports regarding the dropout prevention and recovery pilot project.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §18-8B-1, §18-8B-2, §18-8B-3, §18-8B-4, §18-8B-5 and §18-8B-6, all to read as follows:

ARTICLE 8B. LOCAL SOLUTION DROPOUT PREVENTION AND RECOVERY ACT.

§18-8B-1. Title.

1 This article shall be known as the “Local Solution Dropout
2 Prevention and Recovery Act”.

§18-8B-2. Legislative findings and purpose.

1 (a) *Legislative findings.* — The Legislature finds that:

2 (1) High school graduation is an essential milestone for all
3 West Virginia students and impacts the future success of the
4 individual, community and state;

5 (2) There are significant correlations between educational
6 attainment and labor market outcomes, greater labor force
7 participation rate, increased employment rates, improved
8 health, and decreased levels of poverty and crime. The
9 negative impact on these linkages is most evident in the
10 absence of high school completion;

11 (3) Dropping out of school is a process, not an event, with
12 factors building and compounding over time;

13 (4) Students at risk of not completing high school can be
14 identified as early as prekindergarten through the third
15 grade using the indicators of attendance, behavior and
16 course failures such as reading for example. Therefore, a
17 comprehensive graduation plan must include a comprehen-
18 sive systemic approach that emphasizes early interventions;

19 (5) Research identifies a number of effective strategies for
20 engaging students that have the most positive impact on
21 improving high school graduation rates. Some of these

22 strategies include, but are not limited to, school-community
23 collaboration, safe learning environments, family engage-
24 ment, early literacy development, mentoring and tutoring
25 services, service learning opportunities, alternative and
26 nontraditional schooling, offering multiple pathways and
27 settings for attaining high school diplomas, after-school
28 opportunities, individualized instruction and career and
29 technical education.

30 (6) Schools cannot solve the dropout problem alone.
31 Research shows when educators, parents, politicians,
32 business leaders, faith-based leaders, human service person-
33 nel, judicial personnel and civic leaders collectively work
34 together they are often able to find innovative solutions to
35 address school and community problems; and

36 (7) Increasing high school graduation rates is an important
37 factor in preparing a college and career-ready citizenry.
38 Higher education institutions, including community and
39 technical colleges, are essential partners in creating local
40 and statewide solutions.

41 (b) *Intent and purpose.* -- The intent and purpose of this
42 article is to:

43 (1) Provide the resources to develop a comprehensive
44 statewide individual student data system to assist in identi-
45 fying students at-risk of not graduating from high school;

46 (2) Provide for the establishment of Local Solution Drop-
47 out Prevention and Recovery Pilot Programs, increase
48 graduation rates and reduce the number of dropouts from
49 West Virginia schools;

50 (3) Provide schools and communities with opportunities for
51 greater collaboration to plan and implement systemic
52 approaches that include evidence-based solutions for
53 increasing graduation rates and reducing the number of
54 dropouts;

55 (4) Provide a testing ground for innovative graduation
56 programs, incentives and approaches to reducing the number
57 of dropouts. The innovative graduation programs, incentives
58 and approaches may include, among others, those of a
59 community based education enrichment entity approved by
60 the county board;

61 (5) Provide information regarding the effects of specific
62 innovations, collaborations and policies on graduation rates
63 and dropout prevention and recovery; and

64 (6) Document educational strategies that increase gradua-
65 tion rates, prevent dropouts and enhance student success.

§18-8B-3. Definitions.

1 For the purposes of this article:

2 (a) “Committee” means the Local Solution Dropout
3 Prevention and Recovery Committee;

4 (b) “Community based entity” means a community based
5 education enrichment entity approved by the county board;
6 and

7 (c) “Pilot program” means a Local Solutions Dropout
8 Prevention and Recovery Pilot Program.

**§18-8B-4. Creation of Local Solutions Dropout Prevention and
Recovery Committee.**

1 (a) A Local Solutions Dropout Prevention and Recovery
2 Committee is created for the purpose of implementing the
3 provisions of this article and the state board rules required
4 by section four of this article. The committee shall be
5 composed of the following:

6 (1) The Secretary of Education and the Arts;

7 (2) The State Superintendent;

8 (3) The Chancellor for Higher Education or his or her
9 designee;

10 (4) The Chancellor for Community and Technical College
11 Education or his or her designee;

12 (5) The Secretary of the Department of Health and Human
13 Resources or his or her designee;

14 (6) An attendance director appointed by the Governor with
15 the advice and consent of the Senate;

16 (7) A representative of county prosecuting attorneys
17 appointed by the Governor with the advice and consent of
18 the Senate;

19 (8) A representative of the judiciary appointed by the
20 Governor with the advice and consent of the Senate; and

21 (9) A representative of a community based entity appointed
22 by the Governor with the advice and consent of the Senate.

23 (b) The Secretary of Education and the Arts and the State
24 Superintendent shall co-chair the committee. The committee
25 shall meet as often as necessary to conduct its business
26 pursuant to this article.

27 (c) Each appointment is for a two year term, and no
28 member may serve more than two consecutive terms. If a
29 vacancy in an appointed position occurs, the Governor with
30 the advice and consent of the Senate shall appoint a replace-
31 ment to serve the remainder of the person's term.

32 (d) Appointed members shall be reimbursed for reasonable
33 and necessary expenses actually incurred in the performance
34 of their official duties from funds appropriated or otherwise
35 made available for those purposes upon submission of an
36 itemized statement therefore.

37 (e) This committee terminates on June 30, 2013 unless
38 continued by act of the Legislature.

**§18-8B-5. Comprehensive individual student data system; Local
Solutions Dropout Prevention and Recovery Fund;
application; state board rule.**

1 (a) The Local Solutions Dropout Prevention and Recovery
2 Committee shall develop a comprehensive statewide individ-
3 ual student data system. This data system shall be developed
4 in conjunction with the part of the high quality digital
5 learning program set forth in section thirty-eight, article two
6 of this chapter that requires the state board to ensure that
7 local and state data systems and related applications are
8 updated and robust to inform longitudinal management
9 decisions, accountability and instruction. The system shall
10 include, but not be limited to, the following:

11 (1) Early warning indicators for students at risk of not
12 completing high school. The early warning indicators shall

13 be prioritized by the degree to which each indicator predicts
14 dropping out of school;

15 (2) Indicators for student success. Student success includes,
16 but is not limited to, entering meaningful careers and
17 earning advanced degrees. The indicators for student success
18 shall be prioritized by the degree to which each indicator
19 predicts student success;

20 (3) A multifaceted assessment system to quantify and
21 qualify students' academic talents;

22 (4) Performance indicators; and

23 (5) Student portfolios.

24 (b) After ascertaining the identity of all community based
25 education enrichment entities across the state, the Local
26 Solutions Dropout Prevention and Recovery Committee shall
27 establish pilot sites to test the comprehensive statewide
28 individual student data system.

29 (c) There is hereby created in the State Treasury a special
30 revenue fund known as the "Local Solutions Dropout
31 Prevention and Recovery Fund." The fund shall consist of all
32 moneys received from any source to further the purpose of
33 this article. The fund shall be administered by the Local
34 Solutions Dropout Prevention and Recovery Committee

35 solely for the purposes of this article. Any balance in the
36 fund at the end of any fiscal year shall remain in the fund
37 and shall not expire or revert. Fund balances shall be
38 invested with the state's consolidated investment fund and
39 any and all interest earnings on these investments shall be
40 used solely for the purposes of this article.

41 (d) A group of schools, a school district or a community
42 based entity may apply to become a Local Solutions Dropout
43 Prevention and Recovery Pilot Program in accordance with
44 this article. The application by a group of schools or a school
45 district shall be in collaboration with a community or state
46 partner. The application by a community based entity shall
47 be in collaboration with a state partner. The community or
48 state partner may be a public, private, for profit or nonprofit
49 entity.

50 (e) The state board shall promulgate a rule, including an
51 emergency rule, in accordance with article three-b, chapter
52 twenty-nine-a of this code to implement the provisions of
53 this article. The emergency rule shall be promulgated on or
54 before June 30, 2011. The rule shall include provisions for at
55 least the following:

56 (1) A process for a group of schools, a school district or a
57 community based entity to apply to become a Local Solu-
58 tions Dropout Prevention and Recovery Pilot;

59 (2) Standards for the Local Solutions Dropout Prevention
60 and Recovery Committee to review applications for designa-
61 tion as a pilot program and to make determinations of the
62 applicants to be selected; and

63 (3) The number or geographic locations of pilot programs
64 to be established.

65 (f) The process for a group of schools, a school district or a
66 community based entity to apply to become a pilot program
67 shall encompass at least the following:

68 (1) The manner, time and process for the submission of an
69 application;

70 (2) The contents of the application, which shall include a
71 general description of the dropout prevention and recovery
72 strategies, plan that the group of schools, school district or
73 community based entity seeks to institute and a plan for
74 rigorous evaluation of the proposed program by an outside,
75 independent entity; and

76 (3) Factors that shall be considered by the committee and
77 factors that may be considered by the committee when
78 evaluating an application.

79 (g) The factors that shall be considered by the committee
80 when evaluating an application shall include, but are not
81 limited to, the following:

82 (1) Meaningful involvement of community organizations as
83 outlined in the dropout prevention and recovery plan and
84 evidenced by letters of support;

85 (2) Support from parents, students, the county board, the
86 local school improvement councils and school business
87 partners;

88 (3) The level of staff commitment and support to apply to
89 become a pilot program as determined by a vote by secret
90 ballot at a special meeting of school employees to vote on the
91 plan;

92 (4) The potential for an applicant to be successful in
93 building community awareness of the high school dropout
94 problem and developing and implementing its dropout
95 prevention and recovery plan;

96 (5) The type of entity that is applying with a preference
97 being given to a school district; and

98 (6) The existence and amount of a financial or in-kind
99 commitment with a preference being given to applicants
100 with the largest commitment.

101 (h) The factors that may be considered by the committee
102 when evaluating an application shall include, but is not
103 limited to, meaningful collaboration with a higher education
104 institution or institutions, including community and techni-
105 cal colleges, that would encourage and foster high school
106 graduation and college preparation and readiness.

107 (i) The committee shall review applications in accordance
108 with the standards adopted by the state board and determine
109 whether to designate the applicant as a pilot program. The
110 committee shall notify an applicant of its determination
111 within sixty days of receipt of an application.

§18-8B-6. Progress reviews and annual reports.

1 (a) At least annually, the committee shall review the
2 progress of the development or implementation of a pilot
3 program. If, following the review, the committee determines
4 that a designated group of schools, school district or commu-
5 nity based entity has not made adequate progress toward
6 developing or implementing its plan, the committee shall
7 submit a report to the designated group of schools, school

8 district or community based entity identifying its areas of
9 concern. The committee may conduct an additional review
10 within six months of submitting a report in accordance with
11 this section. If, following the additional review, the commit-
12 tee determines that the designated group of schools, school
13 district or community based entity has not made adequate
14 progress toward developing or implementing its program
15 plan, the committee may revoke the designation as a pilot
16 program and withhold all future funding of the designated
17 group of schools, school district or community based entity's
18 plan.

19 (b) The committee shall provide an annual report on the
20 pilot programs and plans to the Legislative Oversight
21 Commission for Education Accountability. After at least one
22 pilot program is implemented for one year, the annual report
23 shall include information on which innovations, collabora-
24 tions and policies were successful and which were not.