

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 516

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

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

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; recogniz-

ing 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.

1 (a) The Legislature finds that:

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

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

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

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

29 (5) Digital learning can customize and personalize educa-
30 tion allowing students to learn in their own style and at their
31 own pace. Digital learning breaks down geographic barriers
32 allowing every student to enroll in courses they would not

33 otherwise have access to. Students in the most remote areas
34 can enroll in high-quality college-prep and career-prep
35 courses taught by a highly qualified teacher through multiple
36 access points.

37 (b) The provisions of this section are subject to appropria-
38 tion by the Legislature and subject to the provision of
39 adequate professional development for teachers.

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

45 (1) Student eligibility: All students are digital learners. The
46 West Virginia Department of Education shall ensure access
47 to high quality digital content and on-line courses for all
48 students enrolled in kindergarten through grade twelve at
49 any time in their academic career and also to all who are not
50 enrolled in a public school in grades kindergarten through
51 twelve but are eligible for enrollment.

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

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

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

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

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

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

71 (C) Students may enroll year round.

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

74 (E) Students may experience hybrid learning which means
75 that they may learn in an on-line or computer-based envi-

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

78 (4) Advancement: Students progress based on demon-
79 strated competency.

80 (A) Advancement shall be based on demonstrated compe-
81 tency and not on seat-time requirements.

82 (B) Students shall take assessments when they are ready to
83 complete the course or unit in order to demonstrate compe-
84 tency.

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

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

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

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

98 (C) The state board shall maximize the use of digital
99 instruction to allow one digital educator to provide instruc-
100 tion across the state and nation.

101 (D) Teacher preparation programs are encouraged to offer
102 targeted digital instruction training and shall adopt digital
103 instruction training in all teacher preparation programs by
104 the 2012-2013 school year.

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

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

111 (A) The West Virginia Department of Education shall
112 create an open transparent, expeditious approval process for
113 digital learning providers. In addition to the new process, the
114 already established instructional materials adoption process
115 or the West Virginia Virtual School evaluation process for
116 content providers may be used. Since there is a rigorous
117 evaluation component for content alignment to state stan-
118 dards, all three methods are exempt from the procurement
119 requirements set forth in chapter five-a of this code to meet

120 the critical time lines of providing content to students and
121 teachers when needed.

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

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

127 (D) The state board may not require that digital learning
128 providers be located in this state nor may the state board
129 create any administrative requirements that would unneces-
130 sarily limit participation of high-quality providers.

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

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

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

140 (B) The state board shall evaluate the quality of content
141 and courses predominately based on student learning data,

142 and shall terminate the contracts of digital learning provid-
143 ers and programs that do not achieve an acceptable level of
144 student learning as defined by the state board in the rule
145 required by this section.

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

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

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

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

156 (B) Digital content may be acquired through funding for
157 instructional resources. The state board shall ensure that
158 instructional resources adoption practices do not discourage
159 digital content. If the state board finds that any part of this
160 code related to instructional resources adoption discourages
161 digital content, the state board shall make a recommendation
162 to the Legislature for amending this code.

163 (C) The state board shall ensure that state funding allows
164 for customization of education including choice of digital
165 learning providers. If the state board finds that any part of
166 this code inhibits customization of education, the state board
167 shall make a recommendation to the Legislature for amend-
168 ing this code.

169 (10) Delivery: Infrastructure supports digital learning.

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

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

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

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

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

§18-2-39. Global 21 Middle School.

1 (a) The Legislature finds that:

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

16 (2) Career and technical education is closely tied to
17 successful work force development in West Virginia. Accord-

18 ing to the Georgetown University Center on Education and
19 the Workforce, by 2018, forty-nine percent of all jobs in West
20 Virginia will require some education beyond high school in
21 order to maintain our current economic productivity. Of
22 those jobs, fifty-eight percent will be filled by those with
23 certificates or associate's degree. Meeting this goal necessi-
24 tates a successful partnership between public and higher
25 education in order to enhance college and career readiness.
26 Providing dual enrollment opportunities for high school
27 students in community and technical college programs will
28 encourage them to stay in school and stay engaged; further-
29 more it will create a viable pipeline towards degrees and
30 certificates, rather than just compartmentalizing at-risk
31 students;

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

40 (4) The state board has developed and is seeking funding to
41 implement an initiative entitled “Middle School Global 21”.

42 The goals identified for this program are to:

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

45 (B) Increase student “informed” decisions and establish-
46 ment of realistic career goals;

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

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

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

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

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

59 (E) Preparation of all students to make informed decisions
60 and set realistic career goals, as reflected in an Individual

61 Student Transition Plan that leads to a positive
62 postsecondary outcome;

63 (F) Increase of successful career technical education
64 participation, insuring every student has an “informed
65 destination”; and

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

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

70 (A) Create a functional, digital platform to support the
71 content delivery and documentation of individual student
72 learning. This platform validates the student’s acquisition of
73 designated skill sets; provides the student with an individu-
74 alized portfolio; and provides parents, students and teachers
75 the ability to quickly assess the students position on the
76 learning ladder;

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

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

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

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

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

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

98 (E) Establish a memorandum of understanding with each
99 county and school to implement all elements of Global 21
100 Middle School and establish defined supports. This memo-
101 randum of understanding would include the provision of
102 adult mentors for students; working with the community to
103 enrich student success such as through tutoring; the inclu-

104 sion of physical education, health, wellness, the arts and
105 world language in the curriculum; and a positive behavior
106 structure.

107 (7) The state board is seeking state funding for the imple-
108 mentation of this Global 21 Middle School initiative. This
109 includes funding for the development of a digital platform
110 for all middle schools. Additionally, funding is being sought
111 to pilot schools who sign the memorandum of understanding
112 to implement additional career modules and to be evaluated.

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