

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 103**

4 (By Senators Plymale, Jenkins, Stollings, Unger and Browning)

5 _____
6 [Originating in the Committee on Education;

7 reported January 20, 2012.]
8 _____
9
10

11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto two new sections, designated §18-2-39 and §18-
13 2-40, all relating to improving public education results;
14 requiring the state board to promulgate a rule establishing a
15 high-quality digital learning program; specifying ten elements
16 the program must encompass which are elements pertaining to
17 student eligibility, student access, personalized learning,
18 advancement, content, instruction, digital learning providers,
19 assessment and accountability, funding and delivery;
20 recognizing the State Board of Education's Global 21 Middle
21 School initiative including its goals, objectives and process;
22 recognizing that the State Board of Education is seeking state
23 funding for the implementation of the initiative; and
24 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 §18-2-39 and §18-2-
7 40, all to read as follows:

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

9 **§18-2-39. 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 section. The program shall encompass the following ten elements:

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

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

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

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

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

24 (A) Students may take on-line classes full-time, part-time or

1 by individual course.

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

4 (C) Students may enroll year round.

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

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

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

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

14 (B) Students shall demonstrate competencies when they are
15 ready to complete the course or unit.

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

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

23 (A) The state board shall develop and provide alternative
24 certification routes including on-line instruction and performance-

1 based certification. The state board shall make any
2 recommendations to the Legislature that it determines necessary in
3 order to provide the alternative certification routes.

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

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

10 (D) Teacher preparation programs are encouraged to offer
11 targeted digital instruction training and shall adopt digital
12 instruction training in all teacher preparation programs by the
13 2013-2014 school year.

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

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

20 (A) The West Virginia Department of Education shall create an
21 open, transparent and expeditious approval process for digital
22 learning providers. In addition to the new process, the already
23 established instructional materials adoption process or the West
24 Virginia Virtual School evaluation process for content providers

1 may be used. Since there is a rigorous evaluation component for
2 content alignment to state standards, all three methods are exempt
3 from the procurement requirements set forth in chapter five-a of
4 this code to meet the critical time lines of providing content to
5 students and teachers when needed.

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

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

11 (D) The state board may not require that digital learning
12 providers be located in this state nor may the state board create
13 any administrative requirements that would unnecessarily limit
14 participation of high-quality providers.

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

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

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

24 (B) The state board shall evaluate the quality of content and

1 courses predominately based on student learning data and shall
2 terminate the contracts of digital learning providers and programs
3 that do not achieve an acceptable level of student learning as
4 defined by the state board in the rule required by this section.

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

7 (D) The state board shall hold digital learning providers,
8 facilitators and students accountable for achievement and growth.

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

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

14 (B) Digital content may be acquired through funding for
15 instructional resources. The state board shall ensure that
16 instructional resources adoption practices do not discourage
17 digital content. If the state board finds that any part of this
18 code related to instructional resources adoption discourages
19 digital content, the state board shall make a recommendation to the
20 Legislature for amending this code.

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

1 recommendation to the Legislature for amending this code.

2 (10) **Delivery:** Infrastructure supports digital learning.

3 (A) The state board shall ensure that textbooks are being
4 replaced, when appropriate, with digital content, including
5 interactive and adaptive multimedia. The state board shall develop
6 a plan for accomplishing this and report the plan to the
7 Legislative Oversight Commission on Education Accountability before
8 December 1, 2012.

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

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

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

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

21 **§18-2-40. Global Middle School.**

22 (a) The Legislature finds that:

23 (1) West Virginia students continue to face an achievement gap
24 between themselves and students in other states and

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

12 (2) Career and technical education is closely tied to
13 successful workforce development in West Virginia. According to
14 the Georgetown University Center on Education and the Workforce, by
15 2018, forty-nine percent of all jobs in West Virginia will require
16 some education beyond high school in order to maintain our current
17 economic productivity. Of those jobs, fifty-eight percent will be
18 filled by those with certificates or associate's degree. Meeting
19 this goal necessitates a successful partnership between public and
20 higher education in order to enhance college and career readiness;

21 (3) Blending academics and career and technical education can
22 raise graduation rates and achievement according to the Southern
23 Regional Education Board. Combining core learning principles with
24 applied career technical learning experiences and delivering them

1 through digital learning media should serve that purpose while also
2 adhering to the high-quality digital learning elements set forth in
3 section thirty-eight of this article;

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

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

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

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

13 (A) Authentic, real-world application modules that enhance
14 career readiness in the core curriculum;

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

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

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

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

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

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

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

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

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

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

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

23 (i) Developing career and technical education and community
24 and technical college concentrations at the secondary level. These

1 concentrations would be designed so that students could graduate
2 with an associate degree along with a high school diploma or a
3 shortened degree granting period;

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

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, the arts and
17 world language in the curriculum; and a positive behavior
18 structure.

19 (7) The state board is seeking state funding for the
20 implementation of this Global 21 Middle School initiative. This
21 includes funding for the development of a digital platform for all
22 middle schools. Additionally, funding is being sought to pilot
23 schools who sign the memorandum of understanding to implement
24 additional career modules and to be evaluated.

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