

1 **ENROLLED**

2 **H. B. 4618**

3  
4 (By Delegates Perry, Young, Tomblin, Fragale, Williams,  
5 Walker, Espinosa, Cooper, Moye, Sumner and D. Evans)

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7 [Passed March 5, 2014; in effect ninety days from passage.]  
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10 A BILL to amend and reenact §18-2E-10 of the Code of West  
11 Virginia, 1931, as amended, relating to establishing  
12 transformative system of support for early literacy;  
13 making legislative findings; requiring state board rule;  
14 minimum provisions of rule; eliminating critical skills  
15 instructional support programs for third and eighth  
16 graders; and modifying critical skills program framework  
17 to apply only to early literacy program.

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

19 That §18-2E-10 of the Code of West Virginia, 1931, as  
20 amended, be amended and reenacted to read as follows:

21 **ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.**

22 **§18-2E-10. Transformative system of support for early**  
23 **literacy.**

24 (a) The Legislature finds that:  
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1           (1) In the early learning years, ensuring that each  
2 student masters the content and skills needed for mastery at  
3 the next grade level is critically important for student  
4 success;

5           (2) Students who do not demonstrate grade-level  
6 proficiency in reading by the end of third grade become  
7 increasingly less likely to succeed at each successive grade  
8 level and often drop out of school prior to graduation;

9           (3) State board policy requires every school to establish  
10 a process for ensuring the developmental and academic progress  
11 of all students. This process is to be coordinated by a school  
12 student assistance team that reviews student developmental and  
13 academic needs that have persisted despite being addressed  
14 through instruction, intervention, and as applicable, supports  
15 for personalized learning. Ensuring the developmental and  
16 academic success of all students requires every school to  
17 implement, in an equitable manner, programs during and after  
18 the instructional day at the appropriate instructional levels  
19 that contribute to the success of students; and

20           (4) To ensure that all students read proficiently by the  
21 end of third grade, a statewide comprehensive approach to early  
22 literacy is required. This approach shall focus on supports  
23 during the early learning years which include schools and  
24 engaged communities mobilized to remove barriers, expand

1 opportunities, and assist parents in fulfilling their roles and  
2 responsibilities to serve as full partners in the success of  
3 their children.

4 (b) The state board shall, in accordance with the  
5 provisions of article three-b, chapter twenty-nine-a of this  
6 code, promulgate legislative rules as necessary to effectuate  
7 the provisions of this section. The rules shall provide for at  
8 least the following:

9 (1) Development of a comprehensive, systemic approach to  
10 close the reading achievement gap by third grade, which targets  
11 school readiness, the attendance gap, summer learning loss and  
12 a transformative intervention framework for student and  
13 learning supports;

14 (2) Ensuring all West Virginia children have access to  
15 high quality early learning experiences that focus on healthy  
16 learners as part of the school readiness model, resulting in  
17 increased populations of children on target for healthy  
18 development prior to entering first grade;

19 (3) Closing the attendance gap to certify West Virginia  
20 children attend school regularly and limit chronic absenteeism  
21 in the early grades;

22 (4) Assisting county boards in establishing and operating  
23 targeted, sustained extended day and extended year reading  
24 programs to ensure grade level proficiency and battle summer

1 learning loss;

2 (5) Maximizing family engagement to result in the  
3 development of a culture of literacy from birth through third  
4 grade;

5 (6) Supporting high quality schools and a workforce  
6 prepared to address early literacy, identification of  
7 interventions, and implementation of a system of intervention  
8 for children not reaching grade level proficiency;

9 (7) Ensuring the employment of qualified teachers and  
10 service personnel in accordance with the provisions of section  
11 thirty-nine, article five of this chapter and section seven-c,  
12 article four, chapter eighteen-a of this code to provide  
13 instruction to students enrolled in early literacy support  
14 programs;

15 (8) Creating a formula or grant-based program for the  
16 distribution of funds appropriated specifically for the  
17 purposes of this section or otherwise available for the support  
18 of a targeted, comprehensive system of support for early  
19 literacy;

20 (9) Providing support for transportation and healthy foods  
21 for students required to attend after-school and extended year  
22 early literacy instructional support programs and supervision  
23 at the school that accommodates the typical work schedules of  
24 parents; and

1           (10) Receiving from county boards any applications and  
2 annual reports required by rule of the state board.

3           (c) A student in grades kindergarten through three who is  
4 recommended by the student assistance team or the student's  
5 classroom teacher for additional assistance in one or more of  
6 the key standards of English Language Arts, including reading,  
7 speaking and listening, writing or language may be required to  
8 attend an extended year early literacy instructional support  
9 program as a condition for promotion if:

10           (1) The student has been provided additional academic help  
11 through an in-school or after-school early literacy  
12 instructional support program and, prior to the end of the  
13 school year, the student assistance team or the student's  
14 classroom teacher recommends that further additional academic  
15 help is needed for the student to be successful at the next  
16 grade level; and

17           (2) The county board has established an early literacy  
18 instructional support program during the extended year for the  
19 student's grade level.

20           (d) County boards shall provide high-quality educational  
21 facilities, equipment and services to support early literacy  
22 instructional support programs established pursuant to this  
23 section. Extended year programs may be provided at a central  
24 location for kindergarten through third graders who qualify for

1 the program.

2 (e) This section may not be construed to prohibit a  
3 classroom teacher from recommending the grade level retention  
4 of a student based upon the student's lack of mastery of the  
5 subject matter and preparation for the subject matter at the  
6 next grade level.

7 (f) This section may not be construed to affect the  
8 individualized education plans of exceptional students.

9 (g) This section may not be construed to limit the  
10 authority of the county board to establish an extended year  
11 program in accordance with section thirty-nine, article five of  
12 this chapter. County boards may not charge tuition for  
13 enrollment in early literacy instructional support programs  
14 established pursuant to this section.

15 (h) Each county board shall prepare to implement the  
16 provisions of this section and the provisions of the state  
17 board rule required by subsection (b) of this section. The  
18 preparations shall at least include planning, ensuring a  
19 process for ensuring the developmental and academic progress of  
20 all students through the auspices of student assistance teams  
21 as currently required by state board policy and performing a  
22 needs assessment to determine the potential capacity  
23 requirements for the system of support for early learners.

24 (i) The state board shall provide a report describing the

1 proposed implementation of the transformative system of support  
2 for early literacy to the Legislative Oversight Commission on  
3 Education Accountability on or before July 1, 2014.

4 (j) The state board shall provide a comprehensive report  
5 regarding the status of the transformative system of support  
6 for early literacy to the Legislative Oversight Commission on  
7 Education Accountability, the Joint Committee on Government and  
8 Finance, and the Governor on November 1, 2014, and annually on  
9 November 1 on each year thereafter. The report shall address,  
10 at a minimum, the progress of the program throughout the state,  
11 its effect on student achievement and the sources of the  
12 funding both available to and used by the program.

13 (k) The provisions of this section are subject to the  
14 availability of funds from legislative appropriation or other  
15 sources specifically designated for the purposes of this  
16 section. If a county board determines that adequate funds are  
17 not available for full implementation of a transformative  
18 system of support for early literacy in the county, the county  
19 board may implement its program in phases by first establishing  
20 early literacy instructional support programs in the early  
21 readiness grades (Kindergarten), then the primary grades  
22 (Grades 1-2), and then establishing an early literacy  
23 instructional support program for the third grade once the  
24 county board determines that adequate funds are available.

