

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4405

BY DELEGATES MCGEEHAN, FOLK, IHLE, FAIRCLOTH,

AZINGER, STORCH AND BUTLER

[Introduced February 4, 2016;

Referred to the Committee on Education.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §18-1A-1, §18-1A-2, §18-1A-3, §18-1A-4 and §18-1A-5, all relating to
 3 academic content standards in public schools; discontinuing and prohibiting the use of
 4 Common Core academic content standards; adopting alternative academic content
 5 standards; discontinuing the use of Common Core based assessments; establishing a
 6 committee and process for developing alternate statewide assessments of student
 7 progress; prohibiting the state board or any public school from sharing student data
 8 without parental consent; and prohibiting acceptance of federal funding if such funding is
 9 conditioned upon sharing student data without parental consent.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1A. WEST VIRGINIA EDUCATIONAL RESTORATION ACT.

§18-1A-1. Public school curricular standards and assessments.

1 Short Title.--This section shall be known and may be cited as the “West Virginia
 2 Educational Restoration Act.”

§18-1A-2. Definitions.

1 For purposes of this section:

2 (1) “Common Core” means the Common Core state standards adopted by the West
 3 Virginia State Board of Education on May 12, 2010, and also referred to as the West Virginia Next
 4 Generation Standards; any Common Core state standards developed by the Common Core State
 5 Standards Initiative and adopted by the West Virginia State Board of Education; the Next
 6 Generation Science Standards; the West Virginia College and Career-Readiness Standards filed
 7 with the Secretary of State on December 18, 2015; and any other curricular standards based on
 8 or aligned with the Common Core State Standards Initiative or Next Generation Science
 9 Standards.

10 (2) "Assessments" means the Smarter Balanced Assessments or any other student
11 assessments intended to measure student achievement in Common Core standards, or other
12 approved standards.

§18-1A-3. Academic content standards for schools.

1 (a) Effective July 1, 2016, the State Board of Education is prohibited from implementing
2 Common Core academic content standards.

3 (b) Effective July 1, 2016, the State Board of Education shall adopt and implement the
4 following academic standards for public schools:

5 (1) For academic content standards for mathematics, in grades K-12, the board shall adopt
6 and implement the Mathematics Content Standards for California Public Schools, adopted by the
7 California State Board of Education in December, 1997, and the Mathematics Framework for
8 California Public Schools, adopted by the California State Board of Education in March, 2005.

9 (2) For academic content standards in English Language Arts, the board shall adopt and
10 implement the Massachusetts Curriculum Frameworks, implemented by the Massachusetts
11 Department of Elementary and Secondary Education as the mandatory curriculum frameworks
12 for English language arts in the year 2001, and any associated educational frameworks or
13 supplementation.

14 (c) The standards developed pursuant to this section shall remain in place for a minimum
15 of five academic years after the date of implementation.

16 (d) Effective immediately, any proposed changes to academic content standards for public
17 schools shall comply with section two, article two-h, chapter eighteen of the code, which, in part,
18 requires a sixty day written comment period and at least four public hearings in various locations
19 in the state.

§18-1A-4. Development of student assessments.

1 (a) Effective July 1, 2016, the Smarter Balanced Assessment or any other assessment
2 based on the Common Core standards may not be used in West Virginia public schools.

3 (b) Beginning on July 1, 2016, the State Board of Education shall establish a Student
4 Assessment Development Committee to develop appropriate statewide assessments to measure
5 student progress and college and career-readiness, at each grade level from K-12, in the following
6 subjects:

7 (1) English Language Arts;

8 (2) Mathematics;

9 (3) Science; and

10 (4) Social Studies.

11 (c) The Student Assessment Development Committee will be comprised of the following
12 members:

13 (1) One representative, who is an academic content specialist, from each four-year public
14 institution of higher education in this state.

15 (2) One educator from each public school district in this state. Each teacher serving on
16 the committee will have the following qualifications:

17 (A) The teacher must currently hold a classroom teaching position; and

18 (B) The teacher must have at least ten years of experience.

19 (3) Two teachers from the three school districts in the state with the largest student
20 population. Each teacher serving on the committee as a representative from the largest school
21 districts must have the following qualifications:

22 (A) The teacher must currently hold a classroom teaching position; and

23 (B) The teacher must have at least ten years of experience.

24 (d) Before the end of the 2016-2017 academic year, the committee shall finalize and
25 promulgate student assessments required by this section. At the end of each academic year
26 beginning after July 1, 2016, a public school is required to administer the assessments developed
27 pursuant to this section.

§18-1A-5. Protection of student data and information.

1 (a) The State Board of Education, and any public school in this state, is prohibited from
2 allowing access, releasing, or sharing any student's personally identifiable information, student
3 level data, or student directory information without prior written affirmative consent of the student's
4 parent or guardian.

5 (b) The State Board of Education, and any public school in this state, is prohibited from
6 accepting federal funding if such funding is conditioned upon release of any student's personally
7 identifiable information, student level data, or student directory information without prior written
8 affirmative consent of the student's parent or guardian.

NOTE: The purpose of this bill is to discontinue and prohibit the use of Common core academic content standards; to adopt alternative academic content standards; to discontinue the use of common core based assessments; to establish a committee and process for developing alternate statewide assessments of student progress; to prohibit the state board or any public school from sharing student data without parental consent; and to prohibit acceptance of federal funding if such funding is conditioned upon sharing student data without parental consent.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.