

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2104

BY DELEGATES ELDRIDGE AND HICKS

[Introduced February 8, 2017; Referred
to the Committee on Education then Finance.]

1 A BILL to amend and reenact §18-2-5 of the Code of West Virginia, 1931, as amended, relating
 2 to the State Board of Education; and providing that the board require that public schools
 3 provide facilities for students of all faiths and religions to have a place of fellowship, prayer
 4 and worship.

Be it enacted by the Legislature of West Virginia:

1 That §18-2-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted
 2 to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

**§18-2-5. Powers and duties generally; specific powers and duties for alternatives that
 improve student learning.**

1 (a) Subject to and in conformity with the Constitution and laws of this state, the State Board
 2 of Education shall exercise general supervision of the public schools of the state, and shall
 3 promulgate rules in accordance with ~~the provisions of~~ article three-b, chapter twenty-nine-a of this
 4 code for carrying into effect the laws and policies of the state relating to education. The rules shall
 5 relate to the following:

- 6 (1) Standards for performance and measures of accountability;
- 7 (2) Physical welfare of students;
- 8 (3) Education of all children of school age;
- 9 (4) School attendance;
- 10 (5) Evening and continuation or part-time day schools;
- 11 (6) School extension work;
- 12 (7) Classification of schools;
- 13 (8) Issuing certificates based upon credentials;
- 14 (9) Distribution and care of instructional resources by county boards;
- 15 (10) Requiring that public schools provide facilities for students of all faiths and religions
 16 to have a place of fellowship, prayer and worship;

17 ~~(40)~~ (11) General powers and duties of county boards, teachers, principals, supervisors
18 and superintendents; and

19 ~~(44)~~ (12) Such other matters pertaining to the public schools of the state as the state board
20 considers necessary and expedient.

21 (b) The state board, in exercising its constitutional responsibility for the general
22 supervision of public schools, must do so as provided by general law. Included within the general
23 law is the process for improving education which has been recognized by the court as the method
24 chosen by the Legislature to measure whether a thorough and efficient education is being
25 provided. The court further recognized that the resulting student learning is the ultimate measure
26 of a thorough education and that it must be achieved in an efficient manner. To achieve this result,
27 the state board must have reasonable discretion to balance the local autonomy and flexibility
28 needed by schools to deliver a thorough and efficient education with the letter of the laws as
29 enacted for school operations.

30 (c) The purpose of this subsection is to authorize the state board to approve alternatives
31 to the letter of the laws enacted for school operations in the areas enumerated in this subsection.
32 The state board may approve such alternatives as proposed by a county board or school if, in the
33 sole judgment of the state board, the alternatives meet the spirit and intent of the applicable
34 statutes and are intended solely to optimize student learning.

35 (1) The Legislature finds that alternatives are warranted and may be approved by the state
36 board on a case-by-case basis when a county board submits to the state board a comprehensive
37 plan for optimizing student learning that:

38 (A) Achieves the spirit and intent of the laws for an instructional term that provide the
39 instructional time necessary for students to meet or exceed the high quality standards for student
40 performance adopted by the state board;

41 (B) Ensures sufficient time within the instructional term to promote the improvement of
42 instruction and instructional practices;

43 (C) Incorporates a school calendar approved in accordance with the approval process
44 required by section forty-five, article five of this chapter;

45 (D) Allows for school-level determination of alternatives affecting time within the school
46 day that preserve the spirit and intent of providing teachers with: (i) Sufficient planning time to
47 develop engaging, differentiated instruction for all students in all classes, which includes at least
48 forty minutes in length for the elementary level and as required by section fourteen, article four,
49 chapter eighteen-a of this code for the secondary level; and (ii) collaborative time for teachers to
50 undertake and sustain instructional improvement. This determination may be made only in the
51 form of a school policy that is part of the school's strategic improvement plan and is approved by
52 a vote of the faculty senate; and

53 (E) Has the sole purpose of improving student learning and that improvement is evident
54 within a reasonable period.

55 (2) The Legislature makes the following findings for consideration by the state board with
56 respect to optimizing student learning:

57 (A) Maximizing learning time is a critical factor needed to improve student learning and
58 requires multiple strategies and policies that support great teaching and learning;

59 (B) Learning time is that portion of instructional time in the school day during which a
60 student is paying attention and receiving instruction that is appropriately leveled, and learning is
61 taking place. Learning time must not be assumed to be the time that a student is seated at a desk,
62 but may be achieved through a variety of methods that actively engage students in learning;

63 (C) A student's time engaged in learning is maximized when the student is allowed to
64 progress and acquire competency at a pace which challenges his or her interest and intellect
65 while receiving guidance and assistance when needed. Instructional strategies to help
66 personalize student learning in this manner are frequently assisted by technology;

67 (D) Providing teachers with the resources and support needed to engage students in
68 meaningful, appropriately leveled learning for as much time as is possible during the school day

69 may be as important as facilities, equipment and staff development for maximizing learning time
70 and improving student learning;

71 (E) Successful schools are distinguishable from unsuccessful schools by the frequency
72 and extent to which teachers discuss professional practices, collectively design materials and
73 inform and critique one another;

74 (F) Even successful schools must be self-renewing systems and learning organizations
75 marked by deliberate effort to identify helpful knowledge and spread its use within the
76 organization;

77 (G) Unless teachers are collectively involved in planning and implementing school
78 improvement, it is unlikely to be sustained; and

79 (H) Given sufficient control over their own programs and supportive district leadership and
80 policies, schools themselves may best be suited to determine the variety of methods through
81 which time during the school day is allocated for teachers to plan individually and collectively to
82 maximize learning time. Examples of methods used by successful schools include, but are not
83 limited to, scheduling, using special subject teachers and guest presenters, dedicating time set
84 aside for staff development, implementing alternative staff utilization patterns, providing
85 opportunities for administrators to teach, and utilizing accrued instructional time.

NOTE: The purpose of this bill is to provide that the State Board of Education require that public schools provide facilities for students of all faiths and religions to have a place of fellowship, prayer and worship.

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