

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3098

By Delegates Ellington, Statler, Toney, Clark, and

Hornby

[Introduced January 27, 2023; Referred to the
Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, by adding thereto a new section designated
2 §18-2-44, relating generally to standardized testing in public schools; providing legislative
3 findings; providing for a definition of standardized testing; providing for a coordinated
4 statewide student assessment to be administered three times during the school year;
5 providing for removal of standardized testing with certain exceptions; providing for funding
6 used for standardized testing be used for the coordinated statewide student assessment or
7 college-level readiness tests; and providing for an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-44. Coordinated, progress-monitoring standardized testing in schools.

1 (a) The Legislature finds that standardized testing as currently administered in West
2 Virginia does not accurately measure a student's grade-level performance, learning gains,
3 academic progress, or college readiness. Standards to be measured by any assessment must
4 include distinct grade-level expectations for core content knowledge and skills that a student is
5 expected to have acquired by each individual grade level. The development of a coordinated
6 screening and progress monitoring system that utilizes a statewide student assessment
7 administered three times during the school year will provide a more accurate picture of student
8 achievement and progress.

9 (b) As used in this section, a "standardized test" is any form of test that: (1) Requires all test
10 takers to answer the same questions, or a selection of questions from common bank of questions,
11 in the same way; and (2) that is scored in a "standard" or consistent manner, which makes is
12 possible to compare the relative performance of individual students to other students around the
13 state, the nation, and the globe. Currently, the Department of Education's Office of Assessment
14 uses the West Virginia General Summative Assessment for grades three through eight, the West
15 Virginia Alternate Summative Assessment, the National Assessment of Educational Programs,
16 and various international assessments administered by the National Center for Education

17 Statistics.

18 (c) The Department of Education's Office of Assessment shall design and implement a
19 single, comprehensive statewide student assessment program aligned to the core curricular
20 content established in the state academic standards, in accordance with West Virginia Board of
21 Education Policy 2340, *West Virginia Measures of Academic Progress*, and consistent with §18-
22 2E-5 of this code. The statewide student assessment shall not be designed to measure Common
23 Core State Standards, and instead shall utilize high quality standards that focus on literacy and
24 numeracy fluency. This statewide student assessment shall coordinate screening and progress
25 monitoring using a formative assessment to be administered three times during the school year, at
26 the beginning, middle and end of the school year. Results of the End of Year (EOY) Assessment
27 shall be submitted to the United States Department of Education in accordance with the
28 requirements of federal law.

29 (d) A student's results from the coordinated screening and progress monitoring system
30 shall be recorded in a written, easy-to-comprehend individual student report. The Department of
31 Education shall provide a parent secure access to his or her child's individual student reports
32 through a web-based portal as part of its student information system. An individual student report
33 must be provided in a printed format upon a parent's request.

34 (e) All other standardized tests and testing, except for the comprehensive assessment
35 required by §18-2-44(c) of this code or any practice American College Test (ACT) and the
36 Scholastic Aptitude Test (SAT) administered in public schools, shall be removed from all West
37 Virginia public schools. All funds that would be used for any standardized tests and testing in
38 public schools shall instead be used for administration of the comprehensive assessment or for
39 ACT or SAT preparation in West Virginia public schools.

40 (f) This section shall become effective for the 2024-2025 school year and for every school
41 year thereafter.

NOTE: The purpose of this bill relates generally to standardized testing in public schools. The bill provides legislative findings; provides a definition of standardized testing; provides for a coordinated statewide student assessment to be administered three times during the school year; provides for removal of standardized testing with certain exceptions; provides for funding used for standardized testing be used for the coordinated statewide student assessment or college-level readiness tests; and provides for an effective date.

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