

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 3098

By Delegates Ellington, Statler, Toney, Clark and

Hornby

[Originating in the Committee on Education; Reported

February 9, 2023]

1 A BILL to amend the Code of West Virginia, 1931, by adding thereto a new section designated
2 §18-2-44, all relating to standardized testing in state public schools; providing legislative
3 findings and definitions; setting forth requirements to which the state department of
4 education must adhere for a single, comprehensive statewide student assessment
5 program for standardized testing, the frequency therefore and exceptions thereto;
6 requiring that student test results be available to parents and guardians, as well as schools
7 and school districts to which the student transfers; requiring that the department report
8 certain data to the Legislative Oversight Committee on Education Accountability; allowing
9 for certain additional standardized assessments under certain circumstances; clarifying
10 that screener assessments are not prohibited; and providing 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.

(a) Legislative Findings

1
2 (1) The Legislature finds that standardized testing as currently administered in West
3 Virginia does not accurately measure a student's grade-level performance, learning gains,
4 academic progress, or college readiness.

5 (2) Standards to be measured by any assessment must include distinct grade-level
6 expectations for core content knowledge and skills that a student is expected to have acquired by
7 each individual grade level.

8 (3) The development of a coordinated progress monitoring system that utilizes a statewide
9 student assessment administered three times during the school year will provide a more accurate
10 picture of student achievement and progress.

(b) Definitions – As used in this section, the following definitions apply:

11
12 (1) "Standardized test" means any form of test that:

13 (A) Requires all test takers to answer the same questions, or a selection of questions from
14 common bank of questions, in the same way; and

15 (B) That is scored in a standard or consistent manner, which makes it possible to compare
16 the relative performance of individual students to other students around the state, the nation, and
17 the globe.

18 (2) "Progress" monitoring means an ongoing assessment of a student's progress towards
19 a specific goal.

20 (c) *Statewide Student Assessment Program*

21 (1) The West Virginia Department of Education shall implement a single, comprehensive
22 statewide student assessment program for standardized testing that is aligned to the core
23 curricular content established in the state academic standards, in accordance with West Virginia
24 Board of Education Policy 2340, *West Virginia Measures of Academic Progress*, and consistent
25 with §18-2E-5 of this code.

26 (2) The program shall utilize high quality standards that focus on literacy and numeracy
27 fluency.

28 (3) The program shall not exceed one day's time per core assessment for administration;
29 *Provided*, That exceptions may be made for:

30 (A) Students with 504 plans;

31 (B) Individualized Education Programs; and

32 (C) Students who were absent for all or part of the school day.

33 (4) This program shall utilize progress monitoring that includes a formative assessment to
34 be administered at the beginning, middle, and end of the school year.

35 (d) *End of Year Assessment* – The West Virginia Department of Education shall submit the
36 results of the End of Year Assessment to the United States Department of Education in
37 accordance with the requirements of federal law.

38 (e) *Transparency and Reporting*

39 (1) A student's results from the progress monitoring system shall be recorded in a written,
40 easy-to-comprehend individual student report.

41 (2) The West Virginia Department of Education shall provide parents and guardians secure
42 access to a student's individual report through a web-based portal as part of its student information
43 system.

44 (3) An individual student report must be provided in a printed format upon a parent or
45 guardian's request.

46 (4) Student report scores shall be immediately transferrable to other schools and school
47 districts to ensure that the receiving school has up-to-date data available to adequately support
48 the student.

49 (e) *Legislative Oversight Committee on Education Accountability – Beginning, July 1,*
50 2025, and annually thereafter, the West Virginia Department of Education shall present a
51 summary of the statewide student assessment scores for the beginning, middle and end of year
52 assessments to the Legislative Oversight Committee on Education Accountability:

53 (f) *Additional standardized assessments – The West Virginia Department of Education*
54 shall create a list of no more than three additional standardized tests that may be utilized by
55 individual schools to provide additional data, in addition to the comprehensive assessment
56 required by subsection (c) of this section: *Provided, That any standardized test on that list shall be*
57 aligned to West Virginia's standards and provide measurable data therefore.

58 (g) *Screener assessments – Nothing in this section prohibits screener assessments.*

59 (h) *Virtual Charter School Assessments - Virtual Charter Schools may test virtually using*
60 remote proctoring.

61 (i) *Effective date – This section shall become effective for the 2024-2025 school year.*

NOTE: The purpose of this bill relates generally to standardized testing in public schools.

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