

SB 603 s

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2007**

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**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 603**

(SENATORS PLYMALE, EDGELL, UNGER, JENKINS, McCABE,  
FOSTER AND HUNTER, *original sponsors*)

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[Passed March 10, 2007; to take effect July 1, 2007.]

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AN ACT to amend and reenact §18-2E-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-10 of said code, all relating to establishing a 21st Century Tools for 21st Century Schools Technology Initiative to replace and enhance current technology programs and provide formula funding therefore; findings; requiring a West Virginia 21st Century Strategic Technology Learning Plan and setting forth specific areas

it should address; requiring that the provision of technologies and services to students and teachers be based on a plan aligned with the goals of the West Virginia 21st Century Strategic Technology Learning Plan; allocation of technology funds; purchasing; use of technology and technology infrastructure; including funding stream in public school support plan from proportion of growth in local share; changing plans used for the allocation of funds to improve instructional programs; and including employment of technology integration specialists as justification prior to authorization to expend certain funds.

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

That §18-2E-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §18-9A-10 of said code be amended and reenacted, all to read as follows:

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

**§18-2E-7. Providing for twenty-first century instruction and learning in all public schools.**

1 (a) The Legislature finds that:

2 (1) The knowledge and skills children need to succeed  
3 in the twenty-first century are changing dramatically  
4 and that West Virginia students must develop  
5 proficiency in twenty-first century content, technology  
6 tools and learning skills to succeed and prosper in life,  
7 in school and on the job;

8 (2) Students must be equipped to live in a  
9 multitasking, multifaceted, technology-driven world;

10 (3) The provision of twenty-first century technologies

11 and software resources in grades prekindergarten  
12 through twelve is necessary to meet the goal that high  
13 school graduates will be prepared fully for college,  
14 other post-secondary education or gainful employment;

15 (4) This goal reflects a fundamental belief that the  
16 youth of the state exit the system equipped with the  
17 skills, competencies and attributes necessary to succeed,  
18 to continue learning throughout their lifetimes and to  
19 attain self-sufficiency;

20 (5) To promote twenty-first century learning, teachers  
21 must be competent in twenty-first century content and  
22 learning skills and must be equipped to fully integrate  
23 technology to transform instructional practice and to  
24 support twenty-first skills acquisition;

25 (6) For students to learn twenty-first century skills,  
26 students and teachers must have equitable access to  
27 high quality, twenty-first century technology tools and  
28 resources;

29 (7) When aligned with standards and curriculum,  
30 technology-based assessments can be a powerful tool  
31 for teachers; and

32 (8) Teachers must understand how to use technology  
33 to create classroom assessments for accurate, timely  
34 measurements of student proficiency in attainment of  
35 academic content and twenty-first century skills.

36 (b) The state board shall ensure that the resources to  
37 be used to provide technology services to students in  
38 grades prekindergarten through twelve are included in  
39 a West Virginia 21st Century Strategic Technology  
40 Learning Plan to be developed by the Department of

41 Education as an integral component of the county and  
42 school electronic strategic improvement plans as  
43 required in section five of this article. The provision of  
44 technologies and services to students and teachers shall  
45 be based on a plan developed by each individual school  
46 team and aligned with the goals and objectives of the  
47 West Virginia 21st Century Strategic Technology  
48 Learning Plan. This plan shall be an integral component  
49 of the county and school electronic strategic  
50 improvement plans as required in section five of this  
51 article. Funds shall be allocated equitably to county  
52 school systems following peer review of the plans that  
53 includes providing necessary technical assistance prior  
54 to submission and allows timely review and approval by  
55 the West Virginia Department of Education. Technology  
56 tools, including hardware, software, network cabling,  
57 network electronics and related professional  
58 development, shall be purchased pursuant to the  
59 provisions of article three, chapter five-a of this code in  
60 the amount equal to anticipated revenues being  
61 appropriated and based on the approved county and  
62 school plans. County allocations that support this  
63 legislation shall adhere to state contract prices:  
64 *Provided*, That contingent upon approval of the county  
65 technology plan, counties that identify, within that  
66 plan, specific software or peripheral equipment not  
67 listed on the state contract, but necessary to support  
68 implementation of twenty-first century skills, may  
69 request the West Virginia Department of Education to  
70 secure state purchasing prices for those identified items.  
71 Total expenditure to purchase these additional items  
72 may not exceed ten percent of the annual county  
73 allocation. To the extent practicable, the technology  
74 shall be used:

75 (1) To maximize student access to learning tools and

76 resources at all times including during regular school  
77 hours, before and after school or class, in the evenings,  
78 on weekends and holidays and for public education,  
79 noninstructional days and during vacations; and

80 (2) For student use for homework, remedial work,  
81 independent learning, career planning and adult basic  
82 education.

83 (c) The implementation of this section should provide  
84 a technology infrastructure capable of supporting  
85 multiple technology-based learning strategies designed  
86 to enable students to achieve at higher academic levels.  
87 The technology infrastructure should facilitate student  
88 development by addressing the following areas:

89 (1) Mastery of rigorous core academic subjects in  
90 grades prekindergarten through eight by providing  
91 software, other technology resources or both aligned  
92 with state standards in reading, mathematics, writing,  
93 science, social studies, twenty-first century learning  
94 skills and twenty-first century learning tools;

95 (2) Mastery of rigorous core academic subjects in  
96 grades nine through twelve by providing appropriate  
97 twenty-first century technology tools aligned with state  
98 standards for learning skills and technology tools;

99 (3) Attainment of twenty-first century skills outcomes  
100 for all students in the use of technology tools and  
101 learning skills;

102 (4) Proficiency in new, emerging twenty-first century  
103 content;

104 (5) Participation in relevant, contextual instruction

105 that uses dynamic, real-world contexts that are  
106 engaging and meaningful for students, making learning  
107 relevant to life outside of school and bridging the gap  
108 between how students live and how they learn in school;

109 (6) Ability to use digital and emerging technologies to  
110 manage information, communicate effectively, think  
111 critically, solve problems, work productively as an  
112 individual and collaboratively as part of a team and  
113 demonstrate personal accountability and other self-  
114 directional skills;

115 (7) Providing students with information on post-  
116 secondary educational opportunities, financial aid and  
117 the skills and credentials required in various  
118 occupations that will help them better prepare for a  
119 successful transition following high school;

120 (8) Providing greater access to advanced and other  
121 curricular offerings than could be provided efficiently  
122 through traditional on-site delivery formats, including  
123 increasing student access to quality distance learning  
124 curricula and online distance education tools;

125 (9) Providing resources for teachers in differentiated  
126 instructional strategies, technology integration, sample  
127 lesson plans, curriculum resources and online staff  
128 development that enhance student achievement; and

129 (10) Providing resources to support basic skills  
130 acquisition and improvement at the above mastery and  
131 distinguished levels.

132 (d) Developed with input from appropriate  
133 stakeholder groups, the West Virginia 21st Century  
134 Strategic Technology Learning Plan shall be an integral

135 component of the electronic strategic county and school  
136 improvement plans as required in section five of this  
137 article. The West Virginia 21st Century Strategic  
138 Technology Learning Plan shall be comprehensive and  
139 shall address, but not necessarily be limited to, the  
140 following provisions:

141 (1) Allocation of adequate resources to provide  
142 students with equitable access to twenty-first century  
143 technology tools, including instructional offerings and  
144 appropriate curriculum, assessment and technology  
145 integration resources aligned to both the content and  
146 rigor of state content standards as well as to learning  
147 skill and technology tools;

148 (2) Providing students and staff with equitable access  
149 to a technology infrastructure that supports the  
150 acquisition of twenty-first century skills, including the  
151 ability to access information, solve problems,  
152 communicate clearly, make informed decisions, acquire  
153 new knowledge, construct products, reports and systems  
154 and access online assessment systems;

155 (3) Inclusion of various technologies that enable and  
156 enhance the attainment of twenty-first century skills  
157 outcomes for all students;

158 (4) Collaboration with various partners, including  
159 parents, community organization, higher education,  
160 schools of education in colleges and universities,  
161 employers and content providers;

162 (5) Seeking of applicable federal government funds,  
163 philanthropic funds, other partnership funds or any  
164 combination of those types of funds to augment state  
165 appropriations and encouraging the pursuit of funding



166 through grants, gifts, donations or any other sources for  
167 uses related to education technology;

168 (6) Sufficient bandwidth to support teaching and  
169 learning and to provide satisfactorily for instructional  
170 management needs;

171 (7) Protection of the integrity and security of the  
172 network, as well as student and administrative  
173 workstations;

174 (8) Flexibility to adjust the plan based on developing  
175 technology, federal and state requirements and  
176 changing local school and county needs;

177 (9) Incorporation of findings based upon validation  
178 from research-based evaluation findings from previous  
179 West Virginia-based evaluation projects;

180 (10) Continuing study of emerging technologies for  
181 application in a twenty-first century learning  
182 environment and inclusion in the technology plan, as  
183 appropriate;

184 (11) An evaluation component to determine the  
185 effectiveness of the program and make  
186 recommendations for ongoing implementation;

187 (12) A program of embedded, sustained professional  
188 development for teachers that is strategically developed  
189 to support a twenty-first century education for all  
190 students and that aligns with state standards for  
191 technology, integrates twenty-first century skills into  
192 educational practice and supports the implementation  
193 of twenty-first century software, technology and  
194 assessment resources in the classroom;

195 (13) Providing for uniformity in technological  
196 hardware and software standards and procedures;

197 (14) The strategy for ensuring that the capabilities and  
198 capacities of the technology infrastructure is adequate  
199 for acceptable performance of the technology being  
200 implemented in the public schools;

201 (15) Providing for a comprehensive, statewide  
202 uniform, integrated education management and  
203 information system for data collection and reporting to  
204 the Department of Education as provided in section  
205 twenty-six, article two of this chapter and commonly  
206 referred to as the West Virginia Education Information  
207 System;

208 (16) Providing for an effective model for the distance  
209 delivery, virtual delivery or both types of delivery of  
210 instruction in subjects where there exists low student  
211 enrollment or a shortage of certified teachers or where  
212 the delivery method substantially improves the quality  
213 of an instructional program such as the West Virginia  
214 Virtual School;

215 (17) Providing a strategy to implement, support and  
216 maintain technology in the public schools;

217 (18) Providing a strategy to provide ongoing support  
218 and assistance to teachers in integrating technology into  
219 twenty-first century instruction such as with technology  
220 integration specialists;

221 (19) A method of allowing public education to take  
222 advantage of appropriate bulk purchasing abilities and  
223 to purchase from competitively bid contracts initiated  
224 through the southern regional education board

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225 educational technology cooperative and the America  
226 TelEdCommunications Alliance;

227 (20) Compliance with United States Department of  
228 Education regulations and Federal Communications  
229 Commission requirements for federal E-rate discounts;  
230 and

231 (21) Other provisions as considered appropriate,  
232 necessary or both to align with applicable guidelines,  
233 policies, rules, regulations and requirements of the West  
234 Virginia Legislature, the Board of Education and the  
235 Department of Education.

236 (e) Any state code and budget references to the Basic  
237 Skills/Computer Education Program and the SUCCESS  
238 Initiative will be understood to refer to the statewide  
239 technology initiative referenced in this section,  
240 commonly referred to as the 21st Century Tools for 21st  
241 Century Schools Technology Initiative.

**ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

**§18-9A-10. Foundation allowance to improve instructional  
programs.**

1 (a) The total allowance to improve instructional  
2 programs shall be the sum of the following:

3 (1) For instructional improvement in accordance with  
4 county and school electronic strategic improvement  
5 plans required by section five, article two-e of this  
6 chapter, an amount equal to fifteen percent of the  
7 increase in the local share amount for the next school  
8 year above any required allocation pursuant to section  
9 six-b of this article shall be added to the amount of the

10 appropriation for this purpose for the immediately  
11 preceding school year. The sum of these amounts shall  
12 be distributed to the counties as follows:

13 (A) One hundred fifty thousand dollars shall be  
14 allocated to each county;

15 (B) Distribution to the counties of the remainder of  
16 these funds shall be made proportional to the average of  
17 each county's average daily attendance for the  
18 preceding year and the county's second month net  
19 enrollment. Moneys allocated by provision of this  
20 section shall be used to improve instructional programs  
21 according to the county and school electronic strategic  
22 improvement plans required by section five, article two-  
23 e of this chapter and approved by the state board:  
24 *Provided*, That notwithstanding any other provision of  
25 this code to the contrary, moneys allocated by provision  
26 of this section may also be used in the implementation  
27 and maintenance of the uniform integrated regional  
28 computer information system.

29 Up to twenty-five percent of this allocation may be  
30 used to employ professional educators and service  
31 personnel in counties after all applicable provisions of  
32 sections four and five of this article have been fully  
33 utilized.

34 Prior to the use of any funds from this section for  
35 personnel costs, the county board must receive  
36 authorization from the state superintendent of schools.  
37 The state superintendent shall require the county board  
38 to demonstrate: (1) The need for the allocation; (2)  
39 efficiency and fiscal responsibility in staffing; (3)  
40 sharing of services with adjoining counties and the  
41 regional educational service agency for that county in

42 the use of the total local district board budget; and (4)  
43 employment of technology integration specialists to  
44 meet the needs for implementation of the West Virginia  
45 21st Century Strategic Technology Learning Plan.  
46 County boards shall make application for available  
47 funds for the next fiscal year by the first day of May of  
48 each year. On or before the first day of June, the state  
49 superintendent shall review all applications and notify  
50 applying county boards of the distribution of the  
51 allocation. The funds shall be distributed during the  
52 fiscal year appropriate. The state superintendent shall  
53 require the county board to demonstrate the need for an  
54 allocation for personnel based upon the county's  
55 inability to meet the requirements of state law or state  
56 board policy: *Provided*, That the funds available for  
57 personnel under this section may not be used to increase  
58 the total number of professional noninstructional  
59 personnel in the central office beyond four. The shall be  
60 made available for distribution to the public at the  
61 office of each affected county board; plus

62 (2) For the purposes of the West Virginia 21st Century  
63 Strategic Technology Learning Plan provided for in  
64 section seven, article two-e of this chapter, an amount  
65 equal to fifteen percent of the increase in the local share  
66 amount for the next school year above any required  
67 allocation pursuant to section six-b of this article shall  
68 be added to the amount of the appropriation for this  
69 purpose for the immediately preceding school year. The  
70 sum of these amounts shall be allocated to the counties  
71 as provided in section seven, article two-e of this  
72 chapter to meet the objectives of the West Virginia 21st  
73 Century Strategic Technology Learning Plan; plus

74 (3) An amount not less than the amount required to  
75 meet debt service requirements on any revenue bonds

76 issued prior to the first day of January, one thousand  
77 nine hundred ninety-four, and the debt service  
78 requirements on any revenue bonds issued for the  
79 purpose of refunding revenue bonds issued prior to the  
80 first day of January, one thousand nine hundred ninety-  
81 four, shall be paid into the School Building Capital  
82 Improvements Fund created by section six, article nine-  
83 d of this chapter and shall be used solely for the  
84 purposes of that article. The School Building Capital  
85 Improvements Fund shall not be utilized to meet the  
86 debt services requirement on any revenue bonds or  
87 revenue refunding bonds for which moneys contained  
88 within the school building debt service fund have been  
89 pledged for repayment pursuant to that section.

90 (b) When the school improvement bonds secured by  
91 funds from the School Building Capital Improvements  
92 Fund mature, the State Board of Education shall  
93 annually deposit an amount equal to twenty-four  
94 million dollars from the funds allocated in this section  
95 into the School Construction Fund created pursuant to  
96 the provisions of section six, article nine-d, chapter  
97 eighteen of this code to continue funding school facility  
98 construction and improvements.

99 (c) Any project funded by the School Building  
100 Authority shall be in accordance with a comprehensive  
101 educational facility plan which must be approved by the  
102 state board and the School Building Authority.

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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Chickate*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect July 1, 2007.

*Harrell E. Gresham*  
.....  
Clerk of the Senate

*Sammy M. By*  
.....  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* ..... this  
the *4<sup>th</sup>* Day of *April* ....., 2007.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

APR 02 2007

Time 3:30 p