

# H. B. 3116

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(BY DELEGATES SHAVER, M. POLING, PERRY, PETHTEL,  
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[Originating in the Committee on Education]  
(February 10, 2011)

A BILL to amend and reenact §18-5A-6 of the code of West Virginia, 1931, as amended, relating to the authority of school curriculum teams and local school collaborative processes with respect to selection and use of testing and assessment instruments not required by statute or state board when certain conditions are met; providing purposes of section; clarifying duties and removing conflicting language; specific exceptions; providing discretionary use of certain assessments, instructional strategies and programs for certain teams when certain conditions are met; vesting powers and duties of curriculum teams with certain collaborative processes if formed; and authorizing collaborative process to incorporate functions of

other committees required by rule eliminate the committees at the school.

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

That §18-5A-6 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 5A. LOCAL SCHOOL INVOLVEMENT.**

**§18-5A-6. Establishment of school curriculum teams; process for teacher collaboration to improve learning.**

1           (a) There shall be established at each school in the state  
2           a school curriculum team composed of the school principal,  
3           the counselor designated to serve that school and no fewer  
4           than three teachers representative of the grades taught at the  
5           school and chosen by the faculty senate: *Provided*, That for  
6           a school curriculum team established at an elementary school  
7           or a combination elementary and middle school, when the  
8           counselor is not assigned to the school on at least a one-half  
9           time basis, the curriculum team may meet on days when the  
10          counselor is not at the school and the principal shall consult  
11          with the counselor on the issues relevant to the meeting  
12          agenda.

13           **(b) The purposes of this section are to:**

14           **(1) Provide professional opportunities for teachers,**  
15           **administrators and other school personnel that allow them to**

16 have a direct voice in the operation of their schools and to  
17 create a culture of shared decision-making toward the  
18 ultimate goal of raising student achievement;

19 (2) Encourage the use of different, high-quality models  
20 of teaching, scheduling and other aspects of educational  
21 delivery that meet a variety of student needs;

22 (3) Increase high-quality educational opportunities for all  
23 students that close achievement gaps between high-  
24 performing and low-performing groups of public school  
25 students; and

26 (4) Provide public schools that have achieved exceptional  
27 levels of results-driven accountability with increased school-  
28 level freedom and flexibility to achieve these purposes.

29 (c) The school curriculum team shall:

30 (1) Establish for use at the school the programs and  
31 methods for implementing a curriculum based on state-  
32 approved content standards ~~based on~~ that meet the needs of  
33 students at the individual school with a focus on reading,  
34 composition, mathematics, science and technology. The  
35 curriculum thus established shall be submitted to the county  
36 board for approval for implementation at the school or for  
37 return to the school curriculum team for reconsideration.

38        (2) The school curriculum team shall Review the list of  
39 other non required testing and assessment instruments  
40 provided by the state board through the statewide assessment  
41 program as provided in section five, article two-e of this  
42 chapter and may select one or more of them that are  
43 applicable to the grade levels at the school for use at the  
44 school to improve student learning; and

45        (3) The school has the discretion to use the Establish for  
46 use at the school the assessments, ~~and implement the~~  
47 instructional strategies and programs, ~~upon approval by the~~  
48 ~~school curriculum team~~, that it determines best to promote  
49 student achievement at the school and to achieve content  
50 standards for courses required by the state board. The  
51 assessments, instructional strategies and programs thus  
52 established shall be submitted to the county board for  
53 approval for implementation at the school or for return to the  
54 curriculum team for reconsideration. ~~The school curriculum~~  
55 ~~team may apply for a waiver of any state or county policy~~  
56 ~~requiring it to assess students using any specific assessment~~  
57 ~~except~~

58        (d) Notwithstanding the provisions of subsection (c) of  
59 this section, the school curriculum team of a school that has

60 achieved adequate yearly progress or that has achieved a  
61 school accreditation status of distinction or exemplary in  
62 accordance with the provisions of section five, article two-e  
63 of this chapter, has the discretion to use the assessments and  
64 implement the instructional strategies and programs that it  
65 determines best to promote student achievement at the school  
66 consistent with the approved curriculum. The school may not  
67 be required to assess students using any specific assessment  
68 except the state summative assessment known as the  
69 WESTEST2 or any successor tests, the Alternative  
70 Performance Task Assessment, the Online Writing  
71 Assessment, and the National Assessment of Educational  
72 Progress (NAEP), nor may it be required to employ any  
73 specific instructional strategy or program to achieve content  
74 standards for courses required by the state board, except as  
75 approved by the school curriculum team.

76 (e) Nothing in this section may be construed as  
77 exempting a school from assessments required by statute or  
78 state board policy, including but not limited to, the state  
79 summative assessment known as the WESTEST2 or any  
80 successor tests, the Alternative Performance Task  
81 Assessment, the Online Writing Assessment, and the

82 National Assessment of Educational Progress (NAEP). ~~or to~~  
83 ~~employ any specific instructional strategy or program to~~  
84 ~~achieve content standards for courses required by the state~~  
85 ~~board. Attainment by the school of at least full accreditation~~  
86 ~~status for the previous year shall be the factor considered for~~  
87 ~~granting the waiver request.~~

88 (f) The school curriculum team ~~also~~ may apply for a  
89 waiver for instructional resources approved and adopted  
90 pursuant to article two-a of this chapter if, in the judgment of  
91 the team, the instructional resources necessary for the  
92 implementation of the instructional strategies and programs  
93 best suited to teach the school's curriculum are not available  
94 through the normal adoption process.

95 ~~School curriculum teams may request waivers of non-~~  
96 ~~state mandated tests listed in their county board policies. The~~  
97 ~~determination of whether to grant the request shall be based~~  
98 ~~on the school's accreditation status. Waivers are in effect for~~  
99 ~~one year only. School curriculum teams may resubmit the~~  
100 ~~same or additional waiver requests the following year.~~

101 (g) The school curriculum team may apply for a grant  
102 from the state board for the development or implementation,  
103 or both, of remedial and accelerated programs to meet the  
104 needs of the students at the individual school.

105        ~~(b)~~ (h) Notwithstanding the application and approval  
106        provisions of article five-c of this chapter, at a school that has  
107        achieved adequate yearly progress or achieved a school  
108        accreditation status of distinction or exemplary in accordance  
109        with the provisions of section five, article two-e of this  
110        chapter, the Each faculty senate with approval of the  
111        principal may, in addition to or as an alternative to the school  
112        curriculum team provided for in subsection (a) of this section,  
113        establish a process for teacher collaboration to improve  
114        instruction and learning. The mission of the collaboration  
115        process is to review student academic performance based on  
116        multiple measures, to identify strategies to improve student  
117        performance and make recommendations for improvement to  
118        be implemented subject to approval of the principal. The  
119        collaborative process shall include such members as  
120        determined necessary by the faculty senate to address the  
121        needed improvements in the academic performance of  
122        students at the school and, if applicable, may consist of  
123        multiple subject area subcommittees which may meet  
124        independently. If the collaboration process is established as  
125        an alternative to the school curriculum team, the powers and  
126        duties granted to school curriculum teams shall vest in the

127 collaboration process. The collaborative process may also  
128 incorporate the functions of any or all of the following  
129 school-level committees required by state board rule and  
130 these separate committees shall not be required at the school:  
131 The Strategic Planning Committee, the Technology Team  
132 and the School Support Team.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.