

1 **Senate Bill No. 37**

2 (By Senators Plymale, Jenkins and Stollings)

3 _____
4 [Introduced February 13, 2013; referred to the Committee on
5 Education; and then to the Committee on Finance.]
6 _____

7
8
9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto two new sections, designated §18-2-39 and §18-
12 2-40, all relating to improving public education results;
13 requiring the state board to promulgate a rule establishing a
14 high-quality digital learning program; specifying ten elements
15 the program must encompass which are elements pertaining to
16 student eligibility, student access, personalized learning,
17 advancement, content, instruction, digital learning providers,
18 assessment and accountability, funding and delivery;
19 recognizing the State Board of Education's Global 21 Middle
20 School initiative including its goals, objectives and process;
21 recognizing that the State Board of Education is seeking state
22 funding for the implementation of the initiative; and
23 requiring State Board of Education to report to the

1 Legislative Oversight Commission on Education Accountability
2 at certain intervals on the implementation of the initiative
3 until fully implemented.

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

5 That the Code of West Virginia, 1931, as amended, be amended
6 by adding thereto two new sections, designated §18-2-39 and §18-2-
7 40, all to read as follows:

8 **ARTICLE 2. STATE BOARD OF EDUCATION.**

9 **§18-2-39. State board to establish high-quality digital learning**
10 **program.**

11 (a) The Legislature finds that:

12 (1) As technology becomes an increasingly integral part of our
13 society, it has become imperative for West Virginia's students to
14 have digital media incorporated into their learning curriculums.
15 Many students use digital media in every aspect of their lives
16 outside of school yet our approach to learning is roughly the same
17 as it was fifty years ago. In order to keep students engaged, we
18 must present information using a format they are familiar with,
19 such as digital learning;

20 (2) The traditional approach to learning is resulting in a
21 great number of West Virginia students dropping out of high school
22 or graduating unprepared for college or the workforce. This is
23 evidenced by the high number of students who enter college needing

1 to take developmental courses;

2 (3) Finding resources to improve the education system is never
3 easy. However, a high-quality education system should be viewed as
4 an investment in the future economy that has a high rate of return.
5 This return is a skilled workforce to fill high-wage jobs which is
6 a valuable resource for the state;

7 (4) Former Governor of West Virginia, Bob Wise, and former
8 Governor of Florida, Jeb Bush, created the Digital Learning Council
9 to identify policies that would integrate current and future
10 technological innovations into public education. The council
11 included more than one hundred leaders from education, government,
12 philanthropy, business, technology and think tanks. The council
13 identified ten elements of high-quality digital learning; and

14 (5) Digital learning can customize and personalize education
15 allowing students to learn in their own style and at their own
16 pace. Digital learning breaks down geographic barriers allowing
17 every student to enroll in courses they would not otherwise have
18 access to. Students in the most remote areas can enroll in high-
19 quality college-prep and career-prep courses taught by a highly
20 qualified teacher through multiple access points.

21 (b) The provisions of this section are subject to
22 appropriation by the Legislature and subject to the provision of
23 adequate professional development for teachers.

1 (c) The state board shall promulgate a rule in accordance with
2 article three-b, chapter twenty-nine-a of this code establishing a
3 high-quality digital learning program in accordance with this
4 section. The program shall encompass the following ten elements:

5 (1) Student eligibility: All students are digital learners.
6 The West Virginia Department of Education shall ensure access to
7 high quality digital content and on-line courses for all students
8 enrolled in kindergarten through grade twelve at any time in their
9 academic career and also to all who are not enrolled in a public
10 school in grades kindergarten through twelve but are eligible for
11 enrollment.

12 (2) Student access: All students have access to high-quality
13 digital content and on-line courses.

14 (A) The West Virginia Department of Education may only limit
15 access to high-quality digital learning based on capacity. Nothing
16 may restrict access to high-quality digital content and on-line
17 courses based on arbitrary class-size ratios, arbitrary caps on
18 enrollment, arbitrary caps on budget or geography.

19 (B) The West Virginia Department of Education shall require
20 students to take high-quality on-line college-preparation or
21 career-preparation courses as a condition to earning a high school
22 diploma.

23 (3) Personalized learning: All students can customize their

1 education using digital content through an approved digital
2 learning provider.

3 (A) Students may take on-line classes full-time, part-time or
4 by individual course.

5 (B) Students may enroll with multiple digital learning
6 providers and blend online courses with on-site learning.

7 (C) Students may enroll year round.

8 (D) Students may earn an unlimited number of credits on-line.

9 (E) Students may experience hybrid learning which means that
10 they may learn in an on-line or computer-based environment part of
11 the day and in a traditional classroom, even one-on-one tutoring
12 for part of the day.

13 (4) Advancement: Students progress based on demonstrated
14 competency.

15 (A) Advancement shall be based on demonstrated competency and
16 not on seat-time requirements.

17 (B) Students shall demonstrate competencies when they are
18 ready to complete the course or unit.

19 (5) Content: Digital content, instructional materials and on-
20 line and blended learning courses are high quality. Digital
21 content and on-line and blended learning courses shall be aligned
22 with state standards or internationally benchmarked standards where
23 applicable.

1 (6) Instruction: Digital instruction and teachers are high
2 quality.

3 (A) The state board shall develop and provide alternative
4 certification routes including on-line instruction and performance-
5 based certification. The state board shall make any
6 recommendations to the Legislature that it determines necessary in
7 order to provide the alternative certification routes.

8 (B) An on-line teacher from any state shall meet the Essential
9 Principles of High Quality Online Teaching developed by the
10 Southern Regional Education Board.

11 (C) The state board shall maximize the use of digital
12 instruction to allow one digital educator to provide instruction
13 across the state and nation.

14 (D) Teacher preparation programs are encouraged to offer
15 targeted digital instruction training and shall adopt digital
16 instruction training in all teacher preparation programs by the
17 2014-2015 school year.

18 (E) A teacher may not teach an on-line or blended learning
19 course unless that teacher has had professional development or
20 training to use the technology for teaching an on-line or blended
21 learning course.

22 (7) Digital learning providers: All students have access to
23 multiple high-quality digital learning providers.

1 (A) The West Virginia Department of Education shall create an
2 open, transparent and expeditious approval process for digital
3 learning providers. In addition to the new process, the already
4 established instructional materials adoption process or the West
5 Virginia Virtual School evaluation process for content providers
6 may be used. Since there is a rigorous evaluation component for
7 content alignment to state standards, all three methods are exempt
8 from the procurement requirements set forth in chapter five-a of
9 this code to meet the critical time lines of providing content to
10 students and teachers when needed.

11 (B) Students shall have access to multiple approved digital
12 learning providers including public, private and nonprofit and all
13 are treated equally.

14 (C) All students shall have access to all approved digital
15 learning providers.

16 (D) The state board may not require that digital learning
17 providers be located in this state nor may the state board create
18 any administrative requirements that would unnecessarily limit
19 participation of high-quality providers.

20 (E) The state board shall ensure that easy-to-understand
21 information about digital learning, including information about
22 programs, content, courses, tutors and other digital resources, is
23 provided to students.

1 (8) Assessment and accountability: Student learning is one
2 method of evaluating the quality of content and instruction.

3 (A) The state board shall provide for the administration of
4 assessments digitally and shall create a digital formative
5 assessment system.

6 (B) The state board shall evaluate the quality of content and
7 courses predominately based on student learning data and shall
8 terminate the contracts of digital learning providers and programs
9 that do not achieve an acceptable level of student learning as
10 defined by the state board in the rule required by this section.

11 (C) The state board shall evaluate the effectiveness of
12 teachers based partly on student learning data.

13 (D) The state board shall hold digital learning providers,
14 facilitators and students accountable for achievement and growth.

15 (9) Funding: Funding creates incentives for performance,
16 options and innovation.

17 (A) The state board shall develop a funding model that pays
18 digital learning providers in installments that incentivize
19 completion and achievement.

20 (B) Digital content may be acquired through funding for
21 instructional resources. The state board shall ensure that
22 instructional resources adoption practices do not discourage
23 digital content. If the state board finds that any part of this

1 code related to instructional resources adoption discourages
2 digital content, the state board shall make a recommendation to the
3 Legislature for amending this code.

4 (C) The state board shall ensure that state funding allows for
5 customization of education including choice of digital learning
6 providers. If the state board finds that any part of this code
7 inhibits customization of education, the state board shall make a
8 recommendation to the Legislature for amending this code.

9 (10) Delivery: Infrastructure supports digital learning.

10 (A) The state board shall ensure that textbooks are being
11 replaced, when appropriate, with digital content, including
12 interactive and adaptive multimedia. The state board shall develop
13 a plan for accomplishing this and report the plan to the
14 Legislative Oversight Commission on Education Accountability before
15 December 1, 2013.

16 (B) The state board shall work with the Legislature and other
17 entities to ensure that Internet access is available for learning
18 for public school teachers and students.

19 (C) The state board shall work with the Legislature and other
20 entities to ensure that all public school students and teachers
21 have Internet access devices for learning.

22 (D) The state board shall maximize purchasing power to
23 negotiate lower cost licenses and contracts for digital content and

1 online courses.

2 (E) The state board shall ensure that local and state data
3 systems and related applications are updated and robust to inform
4 longitudinal management decisions, accountability and instruction.

5 **§18-2-40. Global 21 Middle School.**

6 (a) The Legislature finds that:

7 (1) West Virginia students continue to face an achievement gap
8 between themselves and students in other states and
9 internationally, beginning, in many cases, in middle school. For
10 example, according to the National Assessment of Educational
11 Progress (NAEP) report, "The Nation's Report Card: Science 2009,"
12 West Virginia students' scores are consistent with the national
13 average in fourth grade but have dropped into the lower fifteen
14 states by eighth grade. It is crucial that we find innovative ways
15 of keeping our middle school students engaged in learning, both to
16 increase student achievement and to lower high school drop out
17 rates. One approach to accomplishing these goals is through the
18 implementation of digital learning in conjunction with career and
19 technical education;

20 (2) Career and technical education is closely tied to
21 successful workforce development in West Virginia. According to
22 the Georgetown University Center on Education and the Workforce, by
23 2018, forty-nine percent of all jobs in West Virginia will require

1 some education beyond high school in order to maintain our current
2 economic productivity. Of those jobs, fifty-eight percent will be
3 filled by those with certificates or associate's degree. Meeting
4 this goal necessitates a successful partnership between public and
5 higher education in order to enhance college and career readiness;

6 (3) Blending academics and career and technical education can
7 raise graduation rates and achievement according to the Southern
8 Regional Education Board. Combining core learning principles with
9 applied career technical learning experiences and delivering them
10 through digital learning media should serve that purpose while also
11 adhering to the high-quality digital learning elements set forth in
12 section thirty-eight of this article;

13 (4) The state board has developed and is seeking funding to
14 implement an initiative entitled "Global 21 Middle School". The
15 goals identified for this program are to:

16 (A) Increase student achievement in all core subject areas in
17 order to enhance career and college readiness; and

18 (B) Increase student "informed" decisions and establishment of
19 realistic career goals;

20 (5) The state board also has identified objectives for the
21 initiative. These include:

22 (A) Authentic, real-world application modules that enhance
23 career readiness in the core curriculum;

1 (B) Increase in the amount of time for students to acquire
2 fundamental skills through access to academic and career resources
3 twenty-four hours per day and seven days per week;

4 (C) Engagement of all students in their own learning process
5 and the documentation of their progression;

6 (D) Documentation of student mastery and progress through an
7 individual digital student profile system;

8 (E) Preparation of all students to make informed decisions and
9 set realistic career goals as reflected in an Individual Student
10 Transition Plan that leads to a positive post-secondary outcome;

11 (F) Increase in successful career and technical education
12 participation, insuring every student has an "informed
13 destination"; and

14 (G) Connection of students to post-secondary pathways
15 including both community and technical and four-year colleges;

16 (6) The process identified by the state board to accomplish
17 the stated goals and objectives includes the following:

18 (A) Create a functional, digital platform to support the
19 content delivery and documentation of individual student learning.
20 This platform validates the student's acquisition of designated
21 skill sets; provides the student with an individualized portfolio;
22 and provides parents, students and teachers the ability to quickly
23 assess the students position on the learning ladder;

1 (B) Design and/or procure engaging and relevant middle school
2 career-focused modules that enhance rigorous core courses through
3 an experiential project-based curriculum, and transform students'
4 core courses to have a career focus and a hands-on project-based
5 curriculum;

6 (C) Provide students with learning opportunities twenty-four
7 hours per day and seven days per week through equity of access to
8 technology;

9 (D) Connect with community and technical colleges by:

10 (i) Developing career and technical education and community
11 and technical college concentrations at the secondary level. These
12 concentrations would be designed so that students could graduate
13 with an associate degree along with a high school diploma or a
14 shortened degree granting period;

15 (ii) Requiring all students to engage in a capstone project in
16 the eighth grade that would gather evidence that the student is
17 prepared to be successful in high school;

18 (iii) Establishing mentoring relationships with community and
19 technical colleges that would allow community and technical
20 colleges to appoint student and/or faculty members to serve as
21 mentors;

22 (E) Establish a memorandum of understanding with each county
23 and school to implement all elements of Global 21 Middle School and

1 establish defined supports. This memorandum of understanding would
2 include the provision of adult mentors for students; working with
3 the community to enrich student success such as through tutoring;
4 the inclusion of physical education, health, wellness, the arts and
5 world language in the curriculum; and a positive behavior
6 structure.

7 (7) The state board is seeking state funding for the
8 implementation of this Global 21 Middle School initiative. This
9 includes funding for the development of a digital platform for all
10 middle schools. Additionally, funding is being sought to pilot
11 schools who sign the memorandum of understanding to implement
12 additional career modules and to be evaluated.

13 (b) The state board shall report to the Legislative Oversight
14 Commission on Education Accountability once every month that the
15 commission meets on the implementation of this Global 21 Middle
16 School initiative until the initiative is fully implemented.

NOTE: The purpose of this bill is to improve public education by requiring the State Board of Education to promulgate rules for the development and implementation of digital learning programs throughout the state and by acknowledging and monitoring, through Legislative Oversight, the implementation of the State Board of Education's Global 21 Middle School initiative.

§18-2-39 and §18-2-40 are new; therefore, strike-throughs and underscoring have been omitted.