



1 (a) The Legislature finds that:

2 ~~(1) In the early childhood through intermediate grade~~  
3 ~~levels, ensuring that each student masters the content and skills~~  
4 ~~needed for mastery at the next grade level is critically~~  
5 ~~important for student success;~~

6 ~~(2) Students who do not demonstrate grade-level mastery in~~  
7 ~~reading, language arts and mathematics become increasingly less~~  
8 ~~likely to succeed at each successive grade level;~~

9 ~~(3) State board policy requires every school to establish a~~  
10 ~~student assistance team that reviews student academic needs that~~  
11 ~~have persisted despite being addressed by instruction and~~  
12 ~~intervention and requires every school to implement, in an~~  
13 ~~equitable manner, programs during and after the instructional day~~  
14 ~~at the appropriate instructional levels that contribute to the~~  
15 ~~success of students; and~~

16 ~~(4) Grades three and eight are critical transition points~~  
17 ~~for additional intervention strategies that reinforce the~~  
18 ~~preparation of students who are not prepared fully for success at~~  
19 ~~the next grade level.~~

20 (1) In the early learning years, ensuring that each student  
21 masters the content and skills needed for mastery at the next  
22 grade level is critically important for student success;

23 (2) Students who do not demonstrate grade-level proficiency  
24 in reading by the end of third grade become increasingly less

1 likely to succeed at each successive grade level and often drop  
2 out of school prior to graduation;

3 (3) State board policy requires every school to establish a  
4 process for ensuring the developmental and academic progress of  
5 all students. This process is to be coordinated by a school  
6 student assistance team that reviews student developmental and  
7 academic needs that have persisted despite being addressed  
8 through instruction, intervention, and as applicable, supports  
9 for personalized learning. Ensuring the developmental and  
10 academic success of all students requires every school to  
11 implement, in an equitable manner, programs during and after the  
12 instructional day at the appropriate instructional levels that  
13 contribute to the success of students; and

14 (4) Focusing on supports during the early learning years to  
15 ensure all students read proficiently by the end of third grade  
16 requires a statewide comprehensive approach to early literacy  
17 which includes schools and engaged communities mobilized to  
18 remove barriers, expand opportunities, and assist parents in  
19 fulfilling their roles and responsibilities to serve as full  
20 partners in the success of their children are needed to assure  
21 student success.

22 (b) The state board shall, in accordance with the provisions  
23 of article three-b, chapter twenty-nine-a of this code,  
24 promulgate legislative rules as necessary to effectuate the

1 provisions of this section. The rules shall provide for at least  
2 the following:

3 ~~(1) Encouraging and assisting county boards in establishing~~  
4 ~~and operating critical skills instructional support programs~~  
5 ~~during and after the instructional day and during the summer for~~  
6 ~~students in grades three and eight who, in the judgment of the~~  
7 ~~student assistance team or the student's classroom teacher, are~~  
8 ~~not mastering the content and skills in reading, language arts~~  
9 ~~and mathematics adequately for success at the next grade level~~  
10 ~~and who are recommended by the student assistance team or the~~  
11 ~~student's classroom teacher for additional academic help through~~  
12 ~~the programs;~~

13 ~~(2) Maximizing parental involvement in supporting the~~  
14 ~~critical skills development of their children in reading,~~  
15 ~~language arts and mathematics through critical skills~~  
16 ~~instructional support programs;~~

17 (1) Development of a comprehensive, systemic approach to  
18 close the reading achievement gap by third grade, which targets  
19 school readiness, the attendance gap, summer learning loss and a  
20 transformative intervention framework for student and learning  
21 supports;

22 (2) Ensure all West Virginia children have access to high  
23 quality early learning experiences that focus on healthy learners  
24 as part of the school readiness model, resulting in increased

1 populations of children on target for healthy development prior  
2 to entering first grade;

3 (3) Close the attendance gap to certify West Virginia  
4 children attend school regularly and limit chronic absenteeism in  
5 the early grades;

6 (4) Assist county boards in establishing and operating  
7 targeted, sustained extended day and extended year reading  
8 programs to ensure grade level proficiency and battle summer  
9 learning loss;

10 (5) Maximize family engagement to result in the development  
11 of a culture of literacy from birth through third grade;

12 (6) Support high quality schools and a workforce prepared to  
13 address early literacy, identification of interventions, and  
14 implementation of a system of intervention for children not  
15 reaching grade level proficiency;

16 ~~(3)~~ (7) Ensure the employment of qualified teachers and  
17 service personnel in accordance with the provisions of section  
18 thirty-nine, article five of this chapter and section seven-c,  
19 article four, chapter eighteen-a of this code to provide  
20 instruction to students enrolled in ~~critical skills instructional~~  
21 ~~support~~ early literacy support programs;

22 ~~(4) Creating~~ (8) Create a formula or grant-based program for  
23 the distribution of funds appropriated specifically for the  
24 purposes of this section or otherwise available for the support

1 of ~~in-school, after-school and summer critical skills~~  
2 ~~instructional support programs~~ a targeted, comprehensive system  
3 of support for early literacy;

4 ~~(5) Providing~~ (9) Provide support for transportation and  
5 healthy foods for students required to attend after-school and  
6 ~~summer critical skills instructional support programs~~ extended  
7 year early literacy instructional support programs and  
8 supervision at the school that accommodates the typical work  
9 schedules of parents; and

10 ~~(6) Receiving~~ (10) Receive from county boards any  
11 applications and annual reports required by rule of the state  
12 board.

13 (c) A student in grades ~~three or eight~~ kindergarten through  
14 three who is recommended by the student assistance team or the  
15 student's classroom teacher for additional ~~academic help in one~~  
16 ~~or more of the subjects of reading, language arts and mathematics~~  
17 ~~through a critical skills instructional support program~~ may be  
18 ~~required to attend a summer critical skills~~ assistance in one or  
19 more of the key standards of English Language Arts, including  
20 reading, speaking and listening, writing or language may be  
21 required to attend an extended year early literacy instructional  
22 support program as a condition for promotion if:

23 (1) The student has been provided additional academic help  
24 through an in-school or after-school ~~critical skills~~ early

1 literacy instructional support program and, prior to the end of  
2 the school year, the student assistance team or the student's  
3 classroom teacher recommends that further additional academic  
4 help is needed for the student to be successful at the next grade  
5 level; and

6 (2) The county board has established ~~a critical skills~~ an  
7 early literacy instructional support program during the ~~summer~~  
8 ~~months~~ extended year for the student's grade level.

9 (d) County boards shall provide ~~suitable~~ high-quality  
10 educational facilities, equipment and services to support  
11 ~~critical skills~~ early literacy instructional support programs  
12 established pursuant to this section. ~~Summer~~ Extended year  
13 programs may be provided at a central location for kindergarten  
14 through third ~~and eighth~~ graders who qualify for the program.

15 (e) This section may not be construed to prohibit a  
16 classroom teacher from recommending the grade level retention of  
17 a student based upon the student's lack of mastery of the subject  
18 matter and preparation for the subject matter at the next grade  
19 level.

20 (f) This section may not be construed to affect the  
21 individualized education plans of exceptional students.

22 (g) This section may not be construed to limit the authority  
23 of the county board to establish ~~a summer school~~ an extended year  
24 program in accordance with section thirty-nine, article five of

1 this chapter. County boards may not charge tuition for enrollment  
2 in ~~critical skills~~ early literacy instructional support programs  
3 established pursuant to this section.

4 (h) Each county board shall prepare to implement the  
5 provisions of this section and the provisions of the state board  
6 rule required by subsection (b) of this section. The preparations  
7 shall at least include planning, ensuring ~~the~~ a process for  
8 ensuring the developmental and academic progress of all students  
9 through the auspices of student assistance teams ~~are established~~  
10 as currently required by state board policy and performing a  
11 needs assessment to determine the potential capacity requirements  
12 for the system of support for early learners.

13 (i) The state board shall provide a report describing the  
14 proposed implementation of the ~~critical skills instructional~~  
15 ~~support program to be instituted for the Summer 2010~~  
16 transformative system of support for early literacy to the  
17 Legislative Oversight Commission on Education Accountability on  
18 or before ~~May 1, 2010~~ July 1, 2014.

19 (j) The state board shall provide a comprehensive report  
20 regarding the status of the ~~critical skills instructional support~~  
21 ~~program~~ transformative system of support for early literacy to  
22 the Legislative Oversight Commission on Education Accountability,  
23 the Joint Committee on Government and Finance, and the Governor  
24 on ~~November 1, 2010~~ November 1, 2014, and annually on November 1



1 on each year thereafter. The report shall address, at a minimum,  
2 the progress of the program throughout the state, its effect on  
3 student achievement and the sources of the funding both available  
4 to and used by the program.

5 (k) The provisions of this section shall be subject to the  
6 availability of funds from legislative appropriation or other  
7 sources specifically designated for the purposes of this section.  
8 If a county board determines that adequate funds are not  
9 available for full implementation of a ~~critical skills~~  
10 ~~instructional support program~~ transformative system of support  
11 for early literacy in the county, the county board may implement  
12 its program in phases by first establishing a ~~critical skills~~  
13 ~~instructional support program in the third grade and then~~  
14 ~~establishing a critical skills instructional support program for~~  
15 ~~the eighth grade~~ early literacy instructional support programs in  
16 the early readiness grades (Kindergarten), then the primary  
17 grades (Grades 1-2), and establishing an early literacy  
18 instructional support program for the third grade once the county  
19 board determines that adequate funds are available.

Note: The purpose of this bill is to establish a  
transformative system of support for early literacy and  
eliminate the critical skills instructional support programs for  
third and eighth graders. The bill modifies the critical skills  
program framework to apply only to early literacy program.

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