

1 (1) "State Board" means the West Virginia State Board of
2 Education;

3 (2) "Department" means the West Virginia State Department of
4 Education;

5 (3) "Education entity" means any agency or department of state
6 or local government that exercises any responsibility with respect
7 to K-12 public education in the State of West Virginia;

8 (4) "State official" means any official in state or local
9 government in West Virginia, whether elected or appointed; and

10 (5) "Personally identifiable information" has the same meaning
11 as that term is given in 34 C.F.R. Part 99.3, as defined by the
12 version of that regulation in effect on December 31, 2013.

13 **§18-1A-2. Development, establishment, and revision of curriculum**
14 **standards.**

15 (a) Any actions taken by the state board or the department to
16 advance the implementation of the Common Core State Standards,
17 known in West Virginia as the Next Generation Standards, or the
18 Next Generation Science Standards as of the effective date of this
19 code section are void ab initio.

20 (b) Upon the effective date of this code section, the West
21 Virginia State Superintendent of Schools shall immediately initiate
22 the procedure, outlined in the Smarter Balanced Assessment
23 Consortium Governance Structure Document (July 1, 2010, amended
24 September 19, 2013), to withdraw the state from such consortium.

1 All statewide k-12 tests and assessments shall be solely owned and
2 solely controlled by the State of West Virginia and may not be in
3 any way conditioned on, linked to, or controlled by any federally
4 funded assessment consortium.

5 (c) The State of West Virginia shall retain sole control over
6 the development, establishment, and revision of curriculum
7 standards established pursuant to this article. Neither the State
8 Board of Education nor any other state education entity, nor any
9 state official, may join any consortium or any other organization
10 when participation in that consortium or organization would cede
11 any measure of control over any aspect of West Virginia public
12 education to entities outside the state, nor may any such person or
13 entity condition or delay a decision on standards or curriculum on
14 the decision of any consortium, organization, any other state
15 government, or the federal government. No curriculum standards
16 that were not developed under the sole authority of the State of
17 West Virginia, including, but not limited to, the Next Generation
18 Science Standards, the National Curriculum Standards for Social
19 Studies, the National Health Education Standards, and the National
20 Sexuality Education Standards, and no standards that use the same
21 model frameworks as such standards developed primarily by entities
22 other than the State of West Virginia, may be adopted or
23 implemented without public hearings held in each congressional
24 district, an open comment period of one year, open hearings before

1 a joint committee composed of the House Education Committee and
2 Senate Education Committee, and approval by both houses of the
3 Legislature and signed by the Governor.

4 **§18-1A-3. Curriculum Content Standards Advisory Council.**

5 (a) Curriculum Content Standards Advisory Council.

6 (1) Beginning on July 1, 2014, the state board shall establish
7 a Curriculum Content Standards Advisory Council to advise the state
8 board in creating and adopting world-class curriculum content
9 standards that will lead to a broad liberal-arts education,
10 resulting in college- and career-readiness, for all students. The
11 advisory council shall include one curriculum director with
12 expertise in curriculum and standards from the kindergarten through
13 grade twelve education community; three parent representatives; one
14 certified elementary teacher, one certified middle school teacher,
15 and one certified high school teacher, each employed by a local
16 school system or retired from teaching in public school and each
17 with at least ten years' teaching experience in core curriculum;
18 one professor from the mathematics department of a college of arts
19 and sciences; one professor from the English literature department
20 of a college of arts and sciences; one representative from a
21 technical college; one representative from the business community;
22 two local board members or superintendents from local school
23 systems appointed by the chairperson of the House Education
24 Committee; two local board members or superintendents from local

1 school systems appointed by the chairperson of the Senate Education
2 Committee; and two clinical psychologists or psychiatrists with
3 expertise in child cognitive development.

4 (2) All members of the advisory council must be citizens of
5 the State of West Virginia for at least six months before
6 appointment. Members shall serve without compensation but shall be
7 reimbursed for necessary expenditures incurred in the performance
8 of their duties as members of the advisory council. Members, as
9 well as any members of their families or their business entities,
10 may not have conflicts of interest with regard to actions taken by
11 the advisory council and may not accept any money, meals, trips,
12 gifts, or any other favors from any person, business, or
13 organization that would benefit, financially or otherwise, from
14 actions taken by the advisory council. The advisory council shall
15 be as fairly balanced as reasonably possible with members from each
16 of the congressional districts representing urban, suburban, and
17 rural areas. Advisory council members shall serve no longer than
18 four years. Each member rotating off the advisory council shall be
19 replaced within thirty days.

20 (b) Subcommittees.

21 (1) The advisory council shall establish a subcommittee for
22 each of the subject areas of the curriculum content standards.
23 Subcommittee members need not be members of the advisory council.
24 Each subcommittee shall include among its required members at least

1 the following: Three certified teachers employed by local school
2 systems or retired from teaching, whether in public or private
3 schools, and having at least ten years of teaching experience with
4 at least five years in the academic content area of the
5 subcommittee; three parents of students enrolled in public schools;
6 three professors, each with a doctoral degree in the specific
7 academic content area of the subcommittee, who are employed by or
8 have retired from a four-year institution of higher education; one
9 member appointed by the chairperson of the House Education
10 Committee; and one member appointed by the chairperson of the
11 Senate Education Committee. Subcommittees that address high school
12 subject areas may also include one representative from a technical
13 college and one representative from the business community.

14 (2) All members of each subcommittee must be citizens of the
15 State of West Virginia for at least six months before appointment.
16 Members shall serve without compensation but shall be reimbursed
17 for necessary expenditures incurred in the performance of their
18 duties as members of the advisory council. Members, as well as any
19 members of their families or their business entities, may not have
20 financial conflicts of interest with regard to actions taken by the
21 subcommittees or the advisory council and may not accept any money,
22 meals, trips, gifts, or any other favors from any person, business,
23 or organization that would benefit, financially or otherwise, from
24 actions taken by the subcommittees or the advisory council.

1 Subcommittees shall be as fairly balanced as reasonably possible
2 with members from urban, suburban, and rural areas. Subcommittee
3 members shall serve no longer than four years. Each required member
4 rotating off a subcommittee shall be replaced within thirty days.

5 (3) Each subcommittee shall review the standards in effect in
6 West Virginia as of May 11, 2010, in its subject area to ensure
7 that they contain clarity, rigor, content, depth, and coherence.
8 For perspective, each subcommittee shall also examine curriculum
9 reform efforts over the past few decades to ensure that current
10 efforts do not take place without historical context. The
11 subcommittee shall:

12 (A) Review relevant research on the subject area and identify
13 areas in the standards where revision is appropriate;

14 (B) Examine curriculum standards for the subject area adopted
15 by other states;

16 (C) Collect feedback on the standards from teachers, parents,
17 and other citizens and make feedback available to the public via
18 Internet posting; and

19 (D) Solicit feedback from appropriate content-related
20 organizations, associations, and societies.

21 (4) Each subcommittee shall prepare proposed revisions of the
22 standards to reflect its findings from the research conducted
23 pursuant to subdivision (3) of this subsection.

24 (5) Each subcommittee, through the Department of Education,

1 shall provide an electronic copy of the revised standards to each
2 local school system and shall make such revised standards available
3 to the public via Internet posting. Each local school system shall
4 notify parents or guardians of its students that the curriculum
5 content standards are being revised and that there is an
6 opportunity to provide feedback. Each subcommittee, through the
7 Department of Education, shall also provide an electronic copy of
8 the revised standards to the relevant department heads of each
9 institution of higher education in this state. An electronic copy
10 of all high school standards shall be sent to the department heads
11 of the content areas addressed by those standards; for example,
12 English language arts standards shall be sent to the heads of the
13 English departments, history standards shall be sent to the heads
14 of the history departments, and so on. High school mathematics
15 standards shall be sent to the heads of departments of mathematics,
16 engineering, physical and biological sciences, and computer
17 science. A public comment period of at least sixty days shall be
18 provided, and each subcommittee shall conduct at least one public
19 hearing for the purpose of permitting the public to comment on the
20 rigor, clarity, and reasonableness of the standards developed by
21 the subcommittee. The standards shall be revised as appropriate.

22 (6) At the conclusion of the revision process, each
23 subcommittee shall submit the revised standards to the advisory
24 council for its review and approval.

1 (c) Upon receipt of the revised standards from the
2 subcommittees, the advisory council shall review and finalize the
3 standards before forwarding them to the state board. The state
4 board shall then present the standards during at least one public
5 hearing held in every congressional district and at an open hearing
6 before a joint committee composed of the House Education Committee
7 and the Senate Education Committee. After considering the findings
8 and recommendations of the Advisory Council, the state board shall
9 make such changes in the curriculum standards as which are in the
10 best interest of the state and its citizens and shall report such
11 proposed changes to local school systems and the Legislature for
12 review.

13 (d) During the process outlined in this section, until the new
14 standards are adopted, the standards in effect prior to the common
15 core standards were adopted on May 12, 2010, shall remain in
16 effect.

17 (e) Beginning in 2014, the K-12 standards for mathematics,
18 history, science, and English shall be reviewed pursuant to this
19 section at least every eight years, with the review for only one
20 subject being initiated in a given year. Notwithstanding this
21 paragraph, the standards for English Language Arts shall be
22 reviewed this year and then again no more than eight years hence,
23 and the standards for math shall be reviewed this year and then
24 again no more than six years hence.

1 **§18-1A-4. Restrictions on collection of personally identifiable**
2 **data.**

3 (a) On and after July 1, 2014, neither the state board, the
4 department, nor any other education entity shall:

5 (1) Collect personally identifiable information on any student
6 or teacher without receiving prior affirmative written consent, and
7 only after providing the parent or teacher with a written
8 explanation of why the information is being requested, and what it
9 will be used for.

10 (2) Expend any funds, whether from federal grants, American
11 Recovery and Reinvestment Act Funds, or elsewhere, on construction,
12 enhancement, or expansion of any state-wide longitudinal data
13 system designed to track students beyond their K-12 careers, or to
14 compile their personal, nonacademic information beyond what is
15 necessary either for administrative functions directly related to
16 the student's education, for evaluation of academic programs and
17 student progress, or for compliance with the requirements of the
18 United States Department of Education as outlined in subdivision
19 (5) of this subsection;

20 (3) Share any personally identifiable information compiled on
21 students or teachers with any entity outside the State of West
22 Virginia, except as provided in this section: Provided, That this
23 does not include hard data storage located in safe locations
24 outside the state, or cloud data storage as long as the cloud

1 computing provider agrees in writing that it will not disclose
2 such information or use the information for any secondary purposes
3 that benefit the provider or any third party, including, but not
4 limited to, online behavioral advertising, creating or correcting
5 an individual or household profile primarily for the provider's
6 benefit, the sale of data for any commercial purpose, or any other
7 commercial for-profit activity;

8 (4) Share any personally identifiable information about any
9 student or teacher with any entity that will use that information
10 for development of commercial products or services or that will
11 transfer that data to any other entity for use in development of
12 commercial products or services;

13 (5) Share any personally identifiable information about any
14 student or teacher with any entity inside the State of West
15 Virginia unless that entity is an education agency or institution
16 that will not:

17 (A) Use the data to develop commercial products or services;

18 (B) Transfer the data to any other entity to use in
19 development of commercial products or services; or

20 (C) Use or transfer the data pursuant to any economic or
21 workforce development research or initiatives.

22 (6) Share any personally identifiable information on students
23 and teachers with the United States Department of Education unless:

24 (A) Such sharing is required by the United States Department

1 of Education as a condition of receiving a federal education grant;

2 (B) The United States Department of Education agrees in
3 writing to use the data only to evaluate the program or programs
4 funded by the grant;

5 (C) The United States Department of Education agrees in
6 writing that the data will not be used for any research beyond that
7 related to evaluation of the program or programs funded by the
8 grant, unless the parent or guardian of any student, and any
9 teacher, whose data will be used for such research affirmatively
10 consents in writing to that use;

11 (D) The United States Department of Education agrees in
12 writing to destroy the data upon completion of the evaluation of
13 the program or programs for which the data were compiled; and

14 (E) The grant or program in connection with which the data are
15 required is one authorized by federal statute or by federal rule
16 properly promulgated under the federal Administrative Procedure
17 Act, 5 U.S.C. Section 500, et seq.

18 (b) If the United States Department of Education requires, as
19 a condition of making a federal education grant, that the grant
20 recipient shares student or teacher data under circumstances that
21 do not comply with subdivision (5) of subsection (e) of this
22 section, the grant recipient shall provide written notification to
23 the parents or guardians of every student whose data will be shared
24 or every teacher whose data will be shared of the following:

1 (1) That the grant recipient has been required to turn over
2 the student's or teacher's data to the United States Department of
3 Education;

4 (2) That neither the grant recipient nor any other entity
5 within the State of West Virginia will have control over the use or
6 further sharing of that data; and

7 (3) The contact information, including telephone number and e-
8 mail address, of the United States Department of Education official
9 who demands the data.

10 (c) No state or national student assessment may be adopted or
11 administered in this state that collects any type of psychological
12 data, including assessment of noncognitive skills or attributes,
13 psychological resources, mindsets, learning strategies, effortful
14 control, attitudes, dispositions, social skills, or other
15 interpersonal or intrapersonal resources.

16 **§18-1A-5. Conflict of law.**

17 All laws and parts of laws in conflict with this article are
18 repealed.

NOTE: The purpose of this bill is to improve the education of West Virginia Children by developing better education standards that are based on empirically proven techniques by education professionals who are from West Virginia. This bill also better protects student's and teacher's private information, and helps return control of the child's private information to the parents or guardians.

This article is new; therefore, it has been completely

underscored.