

E N R O L L E D

COMMITTEE SUBSTITUTE

for

H. B. 2377

(BY DELEGATE(S) PASDON, STATLER,
DUKE, WAGNER, ROMINE, AMBLER
ESPINOSA AND CAMPBELL)

[Passed March 12, 2015;
in effect ninety days from passage.]

AN ACT to amend and reenact §18-2-5 of the Code of West Virginia, 1931, as amended, relating to authorizing State Board of Education to approve certain alternatives with respect to instructional time proposed by a county board or school that meet the spirit and intent of affected statutes and are intended to optimize student learning; removing outdated and conflicting provisions related to school entrance and kindergarten; stating the purpose of subsection and providing context; providing limitations on alternatives; and making findings on learning time for consideration by state board.

Be it enacted by the Legislature of West Virginia:

That §18-2-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-5. Powers and duties generally; specific powers and duties for alternatives that improve student learning.

1 (a) Subject to and in conformity with the Constitution and
2 laws of this state, the State Board of Education shall exercise
3 general supervision of the public schools of the state, and shall
4 promulgate rules in accordance with the provisions of article
5 three-b, chapter twenty-nine-a of this code for carrying into
6 effect the laws and policies of the state relating to education. The
7 rules shall relate to the following:

8 (1) Standards for performance and measures of
9 accountability;

10 (2) Physical welfare of students;

11 (3) Education of all children of school age;

12 (4) School attendance;

13 (5) Evening and continuation or part-time day schools;

14 (6) School extension work;

15 (7) Classification of schools;

16 (8) Issuing certificates based upon credentials;

17 (9) Distribution and care of instructional resources by county
18 boards;

19 (10) General powers and duties of county boards, teachers,
20 principals, supervisors and superintendents; and

21 (11) Such other matters pertaining to the public schools of
22 the state as the state board considers necessary and expedient.

23 (b) The state board, in exercising its constitutional
24 responsibility for the general supervision of public schools, must
25 do so as provided by general law. Included within the general
26 law is the process for improving education which has been
27 recognized by the court as the method chosen by the Legislature
28 to measure whether a thorough and efficient education is being
29 provided. The court further recognized that the resulting student
30 learning is the ultimate measure of a thorough education and that
31 it must be achieved in an efficient manner. To achieve this result,
32 the state board must have reasonable discretion to balance the
33 local autonomy and flexibility needed by schools to deliver a
34 thorough and efficient education with the letter of the laws as
35 enacted for school operations.

36 (c) The purpose of this subsection is to authorize the state
37 board to approve alternatives to the letter of the laws enacted for
38 school operations in the areas enumerated in this subsection. The
39 state board may approve such alternatives as proposed by a
40 county board or school if, in the sole judgment of the state board,
41 the alternatives meet the spirit and intent of the applicable
42 statutes and are intended solely to optimize student learning.

43 (1) The Legislature finds that alternatives are warranted and
44 may be approved by the state board on a case-by-case basis
45 when a county board submits to the state board a comprehensive
46 plan for optimizing student learning that:

47 (A) Achieves the spirit and intent of the laws for an
48 instructional term that provide the instructional time necessary
49 for students to meet or exceed the high quality standards for
50 student performance adopted by the state board;

51 (B) Ensures sufficient time within the instructional term to
52 promote the improvement of instruction and instructional
53 practices;

54 (C) Incorporates a school calendar approved in accordance
55 with the approval process required by section forty-five, article
56 five of this chapter;

57 (D) Allows for school-level determination of alternatives
58 affecting time within the school day that preserve the spirit and
59 intent of providing teachers with: (i) Sufficient planning time to
60 develop engaging, differentiated instruction for all students in all
61 classes, which includes at least forty minutes in length for the
62 elementary level and as required by section fourteen, article four,
63 chapter eighteen-a of this code for the secondary level; and (ii)
64 Collaborative time for teachers to undertake and sustain
65 instructional improvement. This determination may be made
66 only in the form of a school policy that is part of the school's
67 strategic improvement plan and is approved by a vote of the
68 faculty senate; and

69 (E) Has the sole purpose of improving student learning and
70 that improvement is evident within a reasonable period.

71 (2) The Legislature makes the following findings for
72 consideration by the state board with respect to optimizing
73 student learning:

74 (A) Maximizing learning time is a critical factor needed to
75 improve student learning and requires multiple strategies and
76 policies that support great teaching and learning;

77 (B) Learning time is that portion of instructional time in the
78 school day during which a student is paying attention and
79 receiving instruction that is appropriately leveled, and learning
80 is taking place. Learning time must not be assumed to be the

81 time that a student is seated at a desk, but may be achieved
82 through a variety of methods that actively engage students in
83 learning;

84 (C) A student's time engaged in learning is maximized when
85 the student is allowed to progress and acquire competency at a
86 pace which challenges his or her interest and intellect while
87 receiving guidance and assistance when needed. Instructional
88 strategies to help personalize student learning in this manner are
89 frequently assisted by technology;

90 (D) Providing teachers with the resources and support
91 needed to engage students in meaningful, appropriately leveled
92 learning for as much time as is possible during the school day
93 may be as important as facilities, equipment and staff
94 development for maximizing learning time and improving
95 student learning;

96 (E) Successful schools are distinguishable from unsuccessful
97 schools by the frequency and extent to which teachers discuss
98 professional practices, collectively design materials and inform
99 and critique one another;

100 (F) Even successful schools must be self-renewing systems
101 and learning organizations marked by deliberate effort to
102 identify helpful knowledge and spread its use within the
103 organization;

104 (G) Unless teachers are collectively involved in planning and
105 implementing school improvement, it is unlikely to be sustained;
106 and

107 (H) Given sufficient control over their own programs and
108 supportive district leadership and policies, schools themselves
109 may best be suited to determine the variety of methods through
110 which time during the school day is allocated for teachers to plan

111 individually and collectively to maximize learning time.
112 Examples of methods used by successful schools include, but are
113 not limited to, scheduling, using special subject teachers and
114 guest presenters, dedicating time set aside for staff development,
115 implementing alternative staff utilization patterns, providing
116 opportunities for administrators to teach, and utilizing accrued
117 instructional time.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2015.

Governor

