

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

**Introduced**

### **House Bill 4281**

**FISCAL  
NOTE**

BY DELEGATE BYRD

[Introduced January 26, 2016; Referred  
to the Committee on Education.]

1 A BILL to amend and reenact §18-2-39 of the Code of West Virginia, 1931, as amended, relating  
2 to the administration of the statewide summative assessment, and providing that the  
3 assessment only be administered in grades three through eight and once at the high  
4 school level.

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

1 That §18-2-39 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

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

**§18-2-39. College and career readiness initiative.**

1 (a) The Legislature finds that:

2 (1) According to ACT, only twenty- five percent of ACT tested high school graduates in the  
3 nation met college readiness benchmarks in English, reading, mathematics and science and only  
4 seventeen percent in West Virginia met the benchmarks in all four subjects;

5 (2) The post-secondary remediation rates of students entering post-secondary institutions  
6 directly out of high school indicate that a large percentage of students are not being adequately  
7 prepared at the elementary and secondary levels;

8 (3) This high level of post-secondary remediation is causing both students and the state  
9 to expend extra resources that would not have to be expended if the students were adequately  
10 prepared at the elementary and secondary levels;

11 (4) A strong foundation in English/language arts and math provides a basis for learning in  
12 all other subject areas and for on- the- job training; and

13 (5) A comparison of the percentages of students considered proficient in eighth grade  
14 reading and math by the state assessment and the National Assessment of Educational Progress  
15 indicate that the state assessment currently does not accurately reflect national standards.

16 (b) Before the 2014-2015 school year, the state board, the Higher Education Policy  
17 Commission and the Council for Community and Technical College Education shall collaborate

18 in formally adopting uniform and specific college and career-readiness standards for  
19 English/language arts and math. The standards shall be clearly linked to state content standards  
20 and based on skills and competencies rather than high school course titles. The standards shall  
21 allow for a determination of whether a student needs to enroll in a post-secondary remedial  
22 course. The state board shall develop a plan for gradually bringing the standards for a high school  
23 diploma and college and career readiness into uniformity, and report this plan to the Legislative  
24 Oversight Commission on Education Accountability not later than December 31, 2013.

25 (c) The results on the comprehensive statewide student assessment program in grade  
26 eleven in English/language arts and mathematics shall be used to determine whether a student  
27 has met the college- and career-readiness standards adopted pursuant to subsection (b) of this  
28 section. Beginning with the 2015- 2016 school year, instead of using the comprehensive statewide  
29 student assessment program, the state board may develop and implement end of course exams  
30 in English/language arts and math courses it determines appropriate. These exams are designed  
31 for determining whether a student has met the college and career-readiness standards. In order  
32 to allow for the enrollment in transitional courses in the twelfth grade if necessary pursuant to  
33 subsection (e) of this section, the courses, assessments and exams, as applicable, shall be  
34 administered before the twelfth grade.

35 (d) Under its authority granted in section one, article three, chapter eighteen a of this code,  
36 the state board shall require all teacher preparation programs in the state to include appropriate  
37 training for teachers seeking to teach in at least any of grades eight through twelve with respect  
38 to teaching the adopted college and career-readiness standards. This training shall focus on  
39 teaching the standards directly, through embedding the standards in other courses or both, as  
40 appropriate.

41 (e) The state board shall develop a twelfth grade transitional course for both  
42 English/language arts and math for those students who are not on track to be college and career  
43 ready based on the assessment or exam, as applicable, required pursuant to subsection (c) of

44 this section. The transitional courses shall be aligned with the standards adopted pursuant to  
45 subsection (b) of this section. The state board in collaboration with the West Virginia Higher  
46 Education Policy Commission and the Council for Community and Technical College Education  
47 shall use the American College Testing Programs Computerized Adaptive Placement  
48 Assessment and Support System (COMPASS) or other mutually agreed-upon assessment to  
49 determine whether a student has met the college and career-readiness standards after  
50 completion of the transitional course.

51 (f) For all West Virginia public high school graduates who graduate during or after the  
52 2016- 2017 school year, all state institutions of higher education may use no factor other than the  
53 assessment, exam or test, as applicable, required pursuant to subsections (c) and (e) of this  
54 section to determine whether a student is to enroll in a remedial course or is to be placed in a  
55 college level introductory course. Nothing in this subsection prohibits an institution from  
56 administering a diagnostic test to determine specific areas of weakness so that the specific  
57 weaknesses can be remediated rather than requiring a student to take an entire remedial course.

58 (g) The state board shall:

59 (1) Hold high schools and districts accountable for increasing the percentages of students  
60 who meet the college and career-readiness standards as indicated by the assessments, exams  
61 or tests, as applicable, required pursuant to subsections (c) and (e) of this section. This  
62 accountability shall be achieved through the school and school system accreditation provisions  
63 set forth in section five, article two e of this chapter;

64 (2) Align the comprehensive statewide student assessment for all grade levels in which  
65 the test is given with the college and career-readiness standards adopted pursuant to subsection  
66 (b) of this section or develop other aligned tests at each grade level so that progress toward  
67 college and career readiness in English/language arts and math can be measured: Provided, That  
68 the statewide student assessment shall only be administered in grades three through eight and  
69 once at the high school level; and

70           (3) Hold all schools and districts accountable for helping students in earlier grade levels  
71 achieve scores on math and English/language arts tests that predict success in subsequent levels  
72 of related coursework. This accountability shall be achieved through the school and school system  
73 accreditation provisions set forth in section five, article two e of this chapter;

74           (h) Except as otherwise specified, all provisions of this section become effective with the  
75 2014- 2015 school year.

76           (i) On or before December 31, 2013, the state board shall promulgate a legislative rule in  
77 accordance with article three-b, chapter twenty-nine-a of this code to implement the provisions of  
78 this section.

NOTE: The purpose of this bill is to provide that the statewide public education summative assessment only be administered in grades 3 through 8 and once at the high school level.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.