

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**ENROLLED**

### **House Bill 2009**

BY DELEGATES HAMRICK, DEAN, PHILLIPS, CADLE,

PORTERFIELD, WILSON, JENNINGS, COOPER AND

ESPINOSA

[Passed March 7, 2019; in effect ninety days from

passage.]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §18-5E-8, relating to creating a new category of Innovation in Education grant  
3 program designated Innovation in Education/Mastery-Based; making findings and stating  
4 purpose and intent; providing definitions; delineating applicability of other Innovation in  
5 Education provisions of article; specifying duties of state board with respect to program;  
6 requiring participation in incubator process; prohibiting penalties for students who transfer  
7 from mastery-based schools; and requiring institutions of higher education to recognize  
8 and accept high school diplomas on equal footing.

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

**ARTICLE 5E. INNOVATION IN EDUCATION ACT.**

**§18-5E-8. Innovation in Education/Mastery-Based schools; legislative findings, purpose  
and intent; definitions; applicability of other provisions; state board duties for  
implementation; student credentials upon transfer and matriculation.**

1 (a) The Legislature finds that when instruction is delivered to a class of students at a  
2 uniform pace, some students accumulate knowledge and skill deficits as they progress through  
3 the curriculum which, particularly in the STEM areas, limit their ability to be successful at higher  
4 levels. This traditional time-based system of education pushes students forward at the end of the  
5 allotted time period even if they have not mastered the content fully. For too many students, these  
6 accumulated deficits result in required remediation prior to undertaking collegiate level  
7 coursework or at least some gaps in the preparation of recent high school graduates for the  
8 demands of the workplace. Concurrently, this time-based system limits the educational progress  
9 of students who do master the content more quickly by not permitting them to move on to more  
10 challenging material, elective subjects, or dual credit and advanced placement courses that they  
11 have already demonstrated their readiness to undertake.

12 The Legislature finds further that new approaches to educational delivery that  
13 simultaneously address these challenges are being implemented in some innovative schools and

14 school systems. These approaches use an instructional delivery model where students progress  
15 as they master the content, rather than when they receive at least the minimum passing grade at  
16 the end of a set time period. These approaches, typically referred to as mastery-based,  
17 proficiency-based or competency-based education, empower students who demonstrate content  
18 mastery to progress more quickly to higher levels and, consequently, allow additional attention to  
19 be given to meeting the needs of those who have not yet mastered the content. Because the shift  
20 to such models often requires fundamental changes in scheduling, assessment, grading, the  
21 award of credits and diplomas and other aspects of traditional schooling, implementation requires  
22 an intentional approach that engages multiple stakeholders in developing and executing a long-  
23 term plan. The statutes and policies designed to regulate the traditional time-based system may  
24 also create real or perceived barriers to a mastery-based approach. For these reasons, several  
25 states have established pilot programs specific to implementing these new approaches that  
26 provide developmental assistance, additional support and regulatory waivers when necessary for  
27 the pilot schools to make the transition.

28 (b) The purpose of this section is to create a separate category under this act, entitled  
29 Innovation in Education/Mastery-Based, for schools interested in undertaking the transition to  
30 mastery-based education. It is the intent of this section to establish a multistep process that  
31 assists these schools to develop a broader awareness and understanding of mastery-based  
32 education prior to application, assess the capacity and readiness of schools to proceed, allow  
33 several options for implementation or for opting-out of the application process, and create an  
34 network incubator process for continuing the support of schools designated as Innovation in  
35 Education/Mastery-Based schools following full application and grant award.

36 (c) For purposes of this section:

37 “Incubator process” means a process where schools that are willing and ready to begin  
38 implementing a mastery-based model of education form a network of not more than 20 mastery-  
39 based education schools. The schools in this network will receive support for, including, but not

40 limited to, program development, professional development, stakeholder education, establishing  
41 mastery assessment, coaching and on-going technical assistance. The incubator process will  
42 enable schools within the network to share information on their progress and setbacks,  
43 collaborate on innovative approaches, and provide data on student progress and best practices  
44 for the continued implementation of mastery-based education.

45 "Mastery-based education" means an education system designed to improve educational  
46 outcomes by advancing student mastery of content knowledge and skills through the following  
47 core principles:

48 (A) Student advancement upon mastery of a concept or skill;  
49 (B) Competencies that include explicit, measurable, and transferable learning objectives  
50 that empower a student;  
51 (C) Assessment that is meaningful and provides a positive learning experience for a  
52 student;

53 (D) Timely, differentiated support based on a student's individual learning needs;  
54 (E) Learning outcomes that emphasize competencies that include application and creation  
55 of knowledge along with the development of important skills and dispositions;  
56 (F) Incorporating partnerships with post-secondary institutions and members of industry;  
57 and

58 (d) Other provisions of this article related to schools designated as Innovation in Education  
59 schools also apply to Innovation in Education/Mastery-Based schools unless otherwise  
60 specifically provided by this section, including, but not limited to, the following:

61 (1) Innovation in Education/Mastery-Based schools are not limited to the implementation  
62 of key innovational priorities in the five areas, *i.e.*, STEM, community school partnership,  
63 entrepreneurship, career pathways, and the arts, listed in §18-5E-1 of this code. References in  
64 this article to these areas relative to Innovation in Education application, designation, plan and  
65 evaluation for the purposes of this section means Innovation in Education/Mastery-Based and are

66 applicable to Innovation in Education/Mastery-Based schools except as otherwise provided in this  
67 section: *Provided*, That nothing in this subdivision prohibits an Innovation in Education/Mastery-  
68 Based school from including an emphasis in one or more of the five listed areas in their mastery-  
69 based plan, nor prohibits a school previously designated as an Innovation in Education school  
70 from transitioning to mastery-based education under this section;

71                 (2) The application, application review and state board rule pursuant to §18-5E-3 of this  
72 code for implementing Innovation in Education schools shall be modified to accommodate the  
73 multistep process for Innovation in Education/Mastery-Based schools consistent with the  
74 provisions of this section; and

75                 (3) Legislative appropriations made for Innovation in Education/Mastery-Based schools  
76 shall be deposited in the Innovation in Education Fund created in §18-5E-7 of this code and may  
77 be used solely for the purposes of Innovation in Education/Mastery-Based schools consistent with  
78 this section.

79                 (e) The state board shall perform the following activities for implementing the Innovation  
80 in Schools/Mastery-Based program:

81                 (1) Establish an advisory committee including, but not limited to, public school professional  
82 educators, representatives of community and technical colleges, colleges and universities,  
83 employers and organizations advocating for education on behalf of employers, parents and  
84 Department of Education staff and others who may possess knowledge of mastery-based  
85 education. The advisory committee shall advise and assist the state board in carrying out the  
86 activities under this section, including, but not limited to, building a broader awareness and  
87 understanding of mastery-based models of education, identifying potential roadblocks and  
88 potential solutions to implementing mastery-based models of education, recognizing student  
89 mastery upon matriculation or transfer, establishing evaluative criteria to assess the readiness of  
90 schools to undertake the transition to mastery-based education, reviewing applications of schools  
91 interested in implementing mastery-based education and making recommendations to the state

92 board and developing an incubator process for supporting the network of schools willing and  
93 ready to begin the transition to a mastery-based education model;

94 (2) Promote a broader awareness and understanding in mastery-based education among  
95 teachers, administrators, parents, students, business leaders and policymakers;

96 (3) Develop and publish an application designed specifically for schools interested in initial  
97 consideration for becoming an Innovation in Education/Mastery-Based school. The application for  
98 initial consideration is separate from the application for Innovation in Education designation  
99 pursuant to §18-5E-3 of this code and may not require an Innovation in Education plan pursuant  
100 to §18-5E-4 of this code. In addition, the application process shall:

101 (A) Include the evaluative criteria that will be used to assess the readiness of schools to  
102 undertake the transition to mastery-based education. Within the evaluative criteria, the state board  
103 may include an intent to select any proportion of schools of diverse demographic character and  
104 programmatic levels for participation in the initial network of mastery-based education schools;  
105 and

106 (B) Be open to all schools including those currently designated as Innovation in Education  
107 schools who are interested in adding mastery-based education to their existing plan;

108 (4) Establish a process, which may include an on-site visit to schools which apply for initial  
109 consideration for becoming an Innovation in Education/Mastery-Based school to assess the  
110 readiness of applicants to undertake the transition to mastery-based education. This process shall  
111 be used to assist in identifying and recommending to the state board an initial network of not more  
112 than 20 schools who are ready to undertake the transition to mastery-based education.

113 (5) Establish a process to deepen the understanding of mastery-based education of the  
114 schools selected for the initial network of schools. The process may include, but is not limited to,  
115 visits to schools that have implemented an education system that incorporates the core principals  
116 of mastery-based education as defined in this section.

117                 (6) For schools selected for the initial network who elect to proceed with the  
118 implementation of a mastery-based model of education, provide technical assistance to prepare  
119 an Innovation in Education/Mastery-Based plan and operational agreement with their county  
120 board as provided in §18-5E-4 and §18-5E-5 of this code. Schools in the initial network may:

121                 (A) Opt-out of further participation prior to submission of an Innovation in  
122 Education/Mastery-Based plan and agreement;

123                 (B) Apply for an Innovation in Education/Mastery-Based grant for the transition to a  
124 mastery-based education model within a limited subject area or areas across multiple grade  
125 levels, such as, but not limited to, mathematics or STEM related academic and technical programs  
126 of study; or

127                 (C) Apply for an Innovation in Education/Mastery-Based grant for the transition to a school-  
128 wide mastery-based education model or other configurations as may be determined practicable  
129 by the state board.

130                 (7) In addition to any applicable measures of success required for an Innovation in  
131 Education plan pursuant to §18-5E-4 of this code, an Innovation in Education/Mastery-Based plan  
132 shall include a subset of uniform measures of success in improving education outcomes by  
133 advancing student mastery of the content knowledge and skills.

134                 (8) Implement an incubator process to support the network of schools that are awarded  
135 Innovation in Education/Mastery-Based education grants pursuant to this article.

136                 (f) In addition to any grant or other financial assistance awarded to a school designated  
137 as an Innovation in Education/Mastery-Based school in accordance with this section, the school  
138 shall participate in the incubator process established under this section.

139                 (g) A student enrolled at a school that establishes mastery-based education who then  
140 transfers to another school within the county or in any other county in this state that does not have  
141 a mastery-based education program, may not be penalized by being required to repeat course

142 work covering content that the student has successfully mastered or by any other penalty related  
143 to the student's previous attendance in the mastery-based education program.

144 (h) An institution of higher education in this state shall recognize and accept credentials  
145 and diplomas awarded to students indicating a level of content mastery gained, in whole or in  
146 part, through mastery-based education on equal footing as a traditional high school transcript and  
147 diploma.



The 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 ....., 2019.

.....  
*Governor*