

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2095**

BY DELEGATE DEAN

[Introduced January 9, 2019; 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 assessing the college-and career-readiness of 11th and 12th grade students and  
3 removing the requirement that seniors in 12th grade transitional program classes be  
4 reassessed at the conclusion of those classes.

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

**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 25 percent of ACT-tested high school graduates in the nation  
3 met college readiness benchmarks in English, reading, mathematics, and science and only 17  
4 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 11  
26 in English/language arts and mathematics shall be used to determine whether a student has met  
27 the college- and career-readiness standards adopted pursuant to subsection (b) of this section.  
28 Beginning with the 2015-2016 school year, instead of using the comprehensive statewide student  
29 assessment program, the state board may develop and implement end-of-course exams in  
30 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 12th grade if necessary pursuant to  
33 subsection (e) of this section, the courses, assessments and exams, as applicable, shall be  
34 administered before the 12th grade.

35 (d) Under its authority granted in §18A-3-1 of this code, the state board shall require all  
36 teacher preparation programs in the state to include appropriate training for teachers seeking to  
37 teach in at least any of grades eight through 12 with respect to teaching the adopted college- and  
38 career-readiness standards. This training shall focus on teaching the standards directly, through  
39 embedding the standards in other courses or both, as appropriate.

40 (e) The state board shall develop a 12th-grade transitional course for both  
41 English/language arts and math for those students who are not on track to be college- and career  
42 ready based on the assessment or exam, as applicable, required pursuant to subsection (c) of  
43 this section. The transitional courses shall be aligned with the standards adopted pursuant to  
44 subsection (b) of this section. ~~The state board in collaboration with the West Virginia Higher  
45 Education Policy Commission and the Council for Community and Technical College Education~~

46 ~~shall use the American College Testing Program's Computerized Adaptive Placement~~  
47 ~~Assessment and Support System (COMPASS) or other mutually agreed-upon assessment to~~  
48 ~~determine whether a student has met the college- and career-readiness standards after~~  
49 ~~completion of the transitional course~~ Periodic examinations may be administered to students in  
50 12th grade transitional programs to measure student progress, but students in these transitional  
51 programs at grade 12 may not be required to re-take the college- and career-readiness  
52 examinations previously administered during grade 11, nor may they be required to complete any  
53 other examination-based assessment of college- and career-based readiness.

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

61 (g) The state board shall:

62 (1) Hold high schools and districts accountable for increasing the percentages of students  
63 who meet the college- and career-readiness standards as indicated by the assessments, exams  
64 or tests, as applicable, required pursuant to subsections (c) and (e) of this section. This  
65 accountability shall be achieved through the school and school system accreditation provisions  
66 set forth in §18-2E-5 of this code;

67 (2) Align the comprehensive statewide student assessment for all grade levels in which  
68 the test is given with the college- and career-readiness standards adopted pursuant to subsection  
69 (b) of this section or develop other aligned tests at each grade level so that progress toward  
70 college- and career readiness in English/language arts and math can be measured; and

71 (3) Hold all schools and districts accountable for helping students in earlier grade levels

72 achieve scores on math and English/language arts tests that predict success in subsequent levels  
73 of related coursework. This accountability shall be achieved through the school and school system  
74 accreditation provisions set forth in §18-2E-5 of this chapter;

75 (h) Except as otherwise specified, all provisions of this section become effective with the  
76 2014-2015 school year.

77 (i) On or before December 31, 2013, the state board shall promulgate a legislative rule in  
78 accordance with §29A-3B-1 *et seq.* of this code to implement the provisions of this section.

NOTE: The purpose of this bill is to eliminate the requirement that a student placed in transitional education programs as a high school senior must re-take a college-and career-readiness examination or similar assessment of readiness if the student has already taken the examination or assessment as a junior.

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