

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

Introduced

### House Bill 2859

FISCAL  
NOTE

BY DELEGATES WAXMAN, D. JEFFRIES, SYPOLT, LINVILLE,

JENNINGS, J. JEFFRIES, ROWAN, J. KELLY, ATKINSON,

EVANS AND R. THOMPSON

[Introduced February 6, 2019; Referred

to the Committee on Education.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §18-2A-10, relating to authorizing certain teachers to use alternative teaching  
 3 programs if test scores of students are not meeting goals.

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

**ARTICLE 2A. ADOPTION OF TEXTBOOKS, INSTRUCTIONAL MATERIALS AND  
 LEARNING TECHNOLOGIES.**

**§18-2A-10. Authority for K-12 classroom teachers to change teaching programs if student  
 test scores not meeting goals.**

1 Notwithstanding other provisions in this article to the contrary, beginning with the 2020-  
 2 2021 school year, kindergarten through grade twelve classroom teachers of students whose test  
 3 scores are not meeting goals, may adopt, for two years, teaching programs as alternatives to the  
 4 ones approved by other provisions of this article. If student test scores improve under a new  
 5 alternative program to acceptable levels, the teacher may continue using the new program so  
 6 long as the test scores of his or her students meet goals.

7 The state board shall establish and identify goals as they relate to this section and provide  
 8 instructional material chosen by the teachers.

NOTE: The purpose of this bill is to permit classroom teachers to choose different teaching programs if students being taught under an agency-approved teaching program are not producing acceptable test scores.

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