

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 228**

4 (By Senators Kessler (Acting President) and Hall,

5 By Request of the Executive)

6 _____
7 [Originating in the Committee on Education;

8 reported February 16, 2011.]
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12 A BILL to amend the Code of West Virginia, 1931, as amended, by
13 adding thereto a new article, designated §18-8B-1, §18-8B-2,
14 §18-8B-3, §18-8B-4, §18-8B-5 and §18-8B-6, all relating to
15 school dropout prevention and recovery; creating the Local
16 Solution Dropout Prevention and Recovery Act; providing
17 legislative findings and purpose; defining terms; creating a
18 Local Solution Dropout Prevention and Recovery Committee to
19 implement this act and the state board rules required by this
20 act; requiring Local Solution Dropout Prevention and Recovery
21 Committee to develop a comprehensive statewide student data
22 system; establishing pilot sites to test individual statewide
23 student data system; creating special revenue fund in State
24 Treasury entitled the Local Solution Dropout Prevention and
25 Recovery Fund; providing application process for groups of
26 schools, school districts or community-based education

1 enrichment entities approved by the county board to become
2 designated dropout prevention and recovery pilot projects;
3 requiring State Board of Education emergency rules to
4 implement dropout prevention and recovery pilot program,
5 application and award process; and requiring the Local
6 Solution Dropout Prevention and Recovery Committee to provide
7 the Legislature with annual reports regarding the dropout
8 prevention and recovery pilot project.

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

10 That the Code of West Virginia, 1931, as amended, be amended
11 by adding thereto a new article, designated §18-8B-1, §18-8B-2,
12 §18-8B-3, §18-8B-4, §18-8B-5 and §18-8B-6, all to read as follows:

13 **ARTICLE 8B. LOCAL SOLUTION DROPOUT PREVENTION AND RECOVERY ACT.**

14 **§18-8B-1. Title.**

15 This article shall be known as the "Local Solution Dropout
16 Prevention and Recovery Act".

17 **§18-8B-2. Legislative findings and purpose.**

18 (a) *Legislative findings.* -- The Legislature finds that:

19 (1) High school graduation is an essential milestone for all
20 West Virginia students and impacts the future success of the
21 individual, community and state;

22 (2) There are significant correlations between educational
23 attainment and labor market outcomes, greater labor force
24 participation rate, increased employment rates, improved health,
25 and decreased levels of poverty and crime. The negative impact on

1 these linkages is most evident in the absence of high school
2 completion;

3 (3) Dropping out of school is a process, not an event, with
4 factors building and compounding over time;

5 (4) Students at risk of not completing high school can be
6 identified as early as prekindergarten through the third grade
7 using the indicators of attendance, behavior and course failures
8 such as reading for example. Therefore, a comprehensive graduation
9 plan must include a comprehensive systemic approach that emphasizes
10 early interventions;

11 (5) Research identifies a number of effective strategies for
12 engaging students that have the most positive impact on improving
13 high school graduation rates. Some of these strategies include,
14 but are not limited to, school-community collaboration, safe
15 learning environments, family engagement, early literacy
16 development, mentoring and tutoring services, service learning
17 opportunities, alternative and nontraditional schooling, offering
18 multiple pathways and settings for attaining high school diplomas,
19 after-school opportunities, individualized instruction and career
20 and technical education.

21 (6) Schools cannot solve the dropout problem alone. Research
22 shows when educators, parents, politicians, business leaders,
23 faith-based leaders, human service personnel, judicial personnel
24 and civic leaders collectively work together they are often able to
25 find innovative solutions to address school and community problems;
26 and

1 (7) Increasing high school graduation rates is an important
2 factor in preparing a college and career-ready citizenry. Higher
3 education institutions, including community and technical colleges,
4 are essential partners in creating local and statewide solutions.

5 (b) *Intent and purpose.* -- The intent and purpose of this
6 article is to:

7 (1) Provide the resources to develop a comprehensive statewide
8 individual student data system to assist in identifying students
9 at-risk of not graduating from high school;

10 (2) Provide for the establishment of Local Solution Dropout
11 Prevention and Recovery Pilot Programs, increase graduation rates
12 and reduce the number of dropouts from West Virginia schools;

13 (3) Provide schools and communities with opportunities for
14 greater collaboration to plan and implement systemic approaches
15 that include evidence-based solutions for increasing graduation
16 rates and reducing the number of dropouts;

17 (4) Provide a testing ground for innovative graduation
18 programs, incentives and approaches to reducing the number of
19 dropouts. The innovative graduation programs, incentives and
20 approaches may include, among others, those of a community based
21 education enrichment entity approved by the county board;

22 (5) Provide information regarding the effects of specific
23 innovations, collaborations and policies on graduation rates and
24 dropout prevention and recovery; and

25 (6) Document educational strategies that increase graduation
26 rates, prevent dropouts and enhance student success.

1 **§18-8B-3. Definitions.**

2 For the purposes of this article:

3 (a) "Committee" means the Local Solution Dropout Prevention
4 and Recovery Committee;

5 (b) "Community based entity" means a community based education
6 enrichment entity approved by the county board; and

7 (c) "Pilot program" means a Local Solutions Dropout Prevention
8 and Recovery Pilot Program.

9 **§18-8B-4. Creation of Local Solutions Dropout Prevention and**
10 **Recovery Committee.**

11 (a) A Local Solutions Dropout Prevention and Recovery
12 Committee is created for the purpose of implementing the provisions
13 of this article and the state board rules required by section four
14 of this article. The committee shall be composed of the following:

15 (1) The Secretary of Education and the Arts;

16 (2) The State Superintendent;

17 (3) The Chancellor for Higher Education or his or her
18 designee;

19 (4) The Chancellor for Community and Technical College
20 Education or his or her designee;

21 (5) The Secretary of the Department of Health and Human
22 Resources or his or her designee;

23 (6) An attendance director appointed by the Governor with the
24 advice and consent of the Senate;

25 (7) A representative of county prosecuting attorneys appointed

1 by the Governor with the advice and consent of the Senate;

2 (8) A representative of the judiciary appointed by the
3 Governor with the advice and consent of the Senate; and

4 (9) A representative of a community based entity appointed by
5 the Governor with the advice and consent of the Senate.

6 (b) The Secretary of Education and the Arts and the State
7 Superintendent shall co-chair the committee. The committee shall
8 meet as often as necessary to conduct its business pursuant to this
9 article.

10 (c) Each appointment is for a two year term, and no member may
11 serve more than two consecutive terms. If a vacancy in an
12 appointed position occurs, the Governor with the advice and consent
13 of the Senate shall appoint a replacement to serve the remainder of
14 the person's term.

15 (d) Appointed members shall be reimbursed for reasonable and
16 necessary expenses actually incurred in the performance of their
17 official duties from funds appropriated or otherwise made available
18 for those purposes upon submission of an itemized statement
19 therefore.

20 (e) This committee terminates on June 30, 2013 unless
21 continued by act of the Legislature.

22 **§18-8B-5. Comprehensive individual student data system; Local**
23 **Solutions Dropout Prevention and Recovery Fund;**
24 **application; state board rule.**

25 (a) The Local Solutions Dropout Prevention and Recovery

1 Committee shall develop a comprehensive statewide individual
2 student data system. This data system shall be developed in
3 conjunction with the part of the high quality digital learning
4 program set forth in section thirty-eight, article two of this
5 chapter that requires the state board to ensure that local and
6 state data systems and related applications are updated and robust
7 to inform longitudinal management decisions, accountability and
8 instruction. The system shall include, but not be limited to, the
9 following:

10 (1) Early warning indicators for students at risk of not
11 completing high school. The early warning indicators shall be
12 prioritized by the degree to which each indicator predicts dropping
13 out of school;

14 (2) Indicators for student success. Student success includes,
15 but is not limited to, entering meaningful careers and earning
16 advanced degrees. The indicators for student success shall be
17 prioritized by the degree to which each indicator predicts student
18 success;

19 (3) A multifaceted assessment system to quantify and qualify
20 students' academic talents;

21 (4) Performance indicators; and

22 (5) Student portfolios.

23 (b) After ascertaining the identity of all community based
24 education enrichment entities across the state, the Local Solutions
25 Dropout Prevention and Recovery Committee shall establish pilot
26 sites to test the comprehensive statewide individual student data

1 system.

2 (c) There is hereby created in the State Treasury a special
3 revenue fund known as the "Local Solutions Dropout Prevention and
4 Recovery Fund." The fund shall consist of all moneys received from
5 any source to further the purpose of this article. The fund shall
6 be administered by the Local Solutions Dropout Prevention and
7 Recovery Committee solely for the purposes of this article. Any
8 balance in the fund at the end of any fiscal year shall remain in
9 the fund and shall not expire or revert. Fund balances shall be
10 invested with the state's consolidated investment fund and any and
11 all interest earnings on these investments shall be used solely for
12 the purposes of this article.

13 (d) A group of schools, a school district or a community based
14 entity may apply to become a Local Solutions Dropout Prevention and
15 Recovery Pilot Program in accordance with this article. The
16 application by a group of schools or a school district shall be in
17 collaboration with a community or state partner. The application
18 by a community based entity shall be in collaboration with a state
19 partner. The community or state partner may be a public, private,
20 for profit or nonprofit entity.

21 (e) The state board shall promulgate a rule, including an
22 emergency rule, in accordance with article three-b, chapter
23 twenty-nine-a of this code to implement the provisions of this
24 article. The emergency rule shall be promulgated on or before June
25 30, 2011. The rule shall include provisions for at least the
26 following:

1 (1) A process for a group of schools, a school district or a
2 community based entity to apply to become a Local Solutions Dropout
3 Prevention and Recovery Pilot;

4 (2) Standards for the Local Solutions Dropout Prevention and
5 Recovery Committee to review applications for designation as a
6 pilot program and to make determinations of the applicants to be
7 selected; and

8 (3) The number or geographic locations of pilot programs to be
9 established.

10 (f) The process for a group of schools, a school district or
11 a community based entity to apply to become a pilot program shall
12 encompass at least the following:

13 (1) The manner, time and process for the submission of an
14 application;

15 (2) The contents of the application, which shall include a
16 general description of the dropout prevention and recovery
17 strategies, plan that the group of schools, school district or
18 community based entity seeks to institute and a plan for rigorous
19 evaluation of the proposed program by an outside, independent
20 entity; and

21 (3) Factors that shall be considered by the committee and
22 factors that may be considered by the committee when evaluating an
23 application.

24 (g) The factors that shall be considered by the committee when
25 evaluating an application shall include, but are not limited to,
26 the following:

1 (1) Meaningful involvement of community organizations as
2 outlined in the dropout prevention and recovery plan and evidenced
3 by letters of support;

4 (2) Support from parents, students, the county board, the
5 local school improvement councils and school business partners;

6 (3) The level of staff commitment and support to apply to
7 become a pilot program as determined by a vote by secret ballot at
8 a special meeting of school employees to vote on the plan;

9 (4) The potential for an applicant to be successful in
10 building community awareness of the high school dropout problem and
11 developing and implementing its dropout prevention and recovery
12 plan;

13 (5) The type of entity that is applying with a preference
14 being given to a school district; and

15 (6) The existence and amount of a financial or in-kind
16 commitment with a preference being given to applicants with the
17 largest commitment.

18 (h) The factors that may be considered by the committee when
19 evaluating an application shall include, but is not limited to,
20 meaningful collaboration with a higher education institution or
21 institutions, including community and technical colleges, that
22 would encourage and foster high school graduation and college
23 preparation and readiness.

24 (i) The committee shall review applications in accordance with
25 the standards adopted by the state board and determine whether to
26 designate the applicant as a pilot program. The committee shall

1 notify an applicant of its determination within sixty days of
2 receipt of an application.

3 **§18-8B-6. Progress reviews and annual reports.**

4 (a) At least annually, the committee shall review the progress
5 of the development or implementation of a pilot program. If,
6 following the review, the committee determines that a designated
7 group of schools, school district or community based entity has not
8 made adequate progress toward developing or implementing its plan,
9 the committee shall submit a report to the designated group of
10 schools, school district or community based entity identifying its
11 areas of concern. The committee may conduct an additional review
12 within six months of submitting a report in accordance with this
13 section. If, following the additional review, the committee
14 determines that the designated group of schools, school district or
15 community based entity has not made adequate progress toward
16 developing or implementing its program plan, the committee may
17 revoke the designation as a pilot program and withhold all future
18 funding of the designated group of schools, school district or
19 community based entity's plan.

20 (b) The committee shall provide an annual report on the pilot
21 programs and plans to the Legislative Oversight Commission for
22 Education Accountability. After at least one pilot program is
23 implemented for one year, the annual report shall include
24 information on which innovations, collaborations and policies were
25 successful and which were not.