

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 3061**

BY DELEGATES UPSON, ESPINOSA, STATLER, COOPER,  
ROWAN, R. ROMINE, HIGGINBOTHAM, HORNBUCKLE,  
THOMPSON AND FRICH

[Introduced March 14, 2017; 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 §18-5E-8, relating to encouraging mastery-based education through the  
3 Innovation In Schools program; making findings and stating purpose; providing definitions;  
4 specifying duties of Department of Education with respect to program; providing for  
5 Innovation In Education/Mastery Based designations for award of grants and other  
6 financial assistance; requiring participation in incubator process; prohibiting penalties for  
7 student who transfers from mastery-based to nonmastery-based schools; and requiring  
8 institutions of higher education to recognize and accept high school diplomas on equal  
9 footing.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §18-5E-8, to read as follows:

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

##### **§18-5E-8. Mastery-based instructional design and delivery strategies.**

1 (a) The Legislature finds that under traditional models of time-based instruction,  
2 particularly in the STEM areas, students may accumulate knowledge and skill deficits as they  
3 progress through the curriculum which can eventually stymie their ability to be successful at higher  
4 levels. Conversely, students who master the curriculum objectives quickly are limited under the  
5 traditional time-based model from moving on to more challenging objectives or elective subjects  
6 for which they have demonstrated their readiness to undertake. The purpose of this section is to  
7 encourage and support schools through the Innovation In Schools program under this article to  
8 move from the current time-based model toward a mastery-based model of education that allows  
9 for more personalized and differentiated learning, creates a focus on explicit, measurable,  
10 transferable learning objectives, and empowers students to progress to higher levels as they  
11 demonstrate mastery with additional focus on those who have not. This encouragement and  
12 support entails a multistep process involving building broader state-level awareness of mastery-

13 based models of education, identifying roadblocks to implementing such models and possible  
14 solutions, and developing a process for supporting schools willing and ready to begin the  
15 transition. Therefore, the Innovation In Education program established in this article shall include,  
16 in addition to the principal focus areas listed in subsection (a), section two of this article, the area  
17 of mastery-based education as provided in this section.

18 (b) For purposes of this section:

19 (1) "Mastery-based education" means an education system where student progress is  
20 based upon a student's demonstration of mastery of competencies and content, not seat time or  
21 the age or grade level of the student.

22 (2) "Incubator process" means a process where schools that are willing and ready to start  
23 moving toward a mastery-based model of education would form an initial cohort of not more than  
24 twenty incubator schools for mastery-based education. The incubator schools would receive  
25 support, including but not limited to, for program development, staff professional development,  
26 stakeholder education, specialized competency assessment, coaching and on-going technical  
27 assistance. The incubator process will provide data and best practices for continued  
28 implementation of mastery-based education.

29 (c) The State Department of Education shall perform the following activities to encourage  
30 schools to implement mastery-based education through the Innovation In Schools program:

31 (1) Conduct an awareness campaign to promote understanding and interest in mastery-  
32 based education for teachers, administrators, parents, students, business leaders and  
33 policymakers;

34 (2) Establish a committee of educators to identify roadblocks to implementing mastery-  
35 based education and possible solutions and to develop recommendations for the incubator  
36 process;

37 (3) Facilitate the planning and development of an incubator process to support schools  
38 that are awarded Innovation In Education/Mastery-Based Education grants pursuant to this

39 article. The incubator process shall be designed to improve educational outcomes in the incubator  
40 schools by advancing student mastery of concepts and skills through the following core principles:

41 (i) Student advancement upon mastery of a concept or skill;

42 (ii) Competencies that include explicit, measurable, and transferable learning objectives  
43 that empower a student;

44 (iii) Assessment that is meaningful and provides a positive learning experience for a  
45 student;

46 (iv) Timely, differentiated support based on a student's individual learning needs;

47 (v) Learning outcomes that emphasize competencies that include application and creation  
48 of knowledge along with the development of important skills and dispositions; and

49 (vi) Incorporating partnerships with post-secondary institutions and members of industry;  
50 and

51 (4) Develop and publish an application designed specifically for schools interested in initial  
52 consideration for becoming an Innovation In Education/Mastery-Based school. This application  
53 shall be separate from the application for Innovation In Education designation pursuant to section  
54 three of this article and may not require the an Innovation In Education plan pursuant to section  
55 four of this article. The application process shall be open to all schools including those currently  
56 designated as Innovation In Education schools who are interested in adding mastery-based  
57 education to their existing plan;

58 (5) Establish a process, which may include an on-site visit to schools which apply under  
59 subdivision four of this subsection, to assess the readiness of applicants to undertake the  
60 transition to mastery-based education. This process shall be used to identify an initial cohort of  
61 not more than twenty schools.

62 (6) Establish a process to deepen the understanding of mastery-based education of the  
63 schools selected for the initial cohort of schools identified under subdivision five of this subsection.  
64 The process may include, but is not limited to, visits to schools experienced in using mastery-

65 based education. The process shall allow an applicant to opt-out of further participation prior to  
66 submission of an Innovation In Education/Mastery-Based application in accordance with this  
67 article; and

68 (7) Provide technical assistance to schools selected for the initial cohort in preparing an  
69 Innovation In Education/Mastery-Based application.

70 (d) In addition to any grant or other financial assistance awarded to a school designated  
71 as an Innovation In Education/Mastery Based school in accordance with this article, the school  
72 shall participate in the incubator process established under this section.

73 (e) All other provisions of this article for Innovation In Education designated schools also  
74 apply to Innovation In Education/Mastery-Based schools.

75 (f) A student attending a school that establishes mastery-based education who transfers  
76 to another school within the county or in any other county that does not have a mastery-based  
77 education program, may not be penalized by being required to repeat course work that the student  
78 has successfully completed, or by changing the student's grade, or by any other penalty related  
79 to the student's previous attendance in the mastery-based education program.

80 (g) An institution of higher education in this state shall recognize and accept on equal  
81 footing as a traditional high school diploma awarded to a student who successfully completes an  
82 educational program that uses, in whole or in part, competency-based education.

NOTE: The purpose of this bill is to encourage a limited cohort of schools to implement mastery-based education through the Innovation In Education program. The initial cohort size is not more than twenty schools. The Department of Education is given a range of duties from the identification of barriers and potential solutions to developing an incubator process to support schools awarded an Innovation In Schools/Mastery-Based grant. The schools must meet the same requirements and accountability as other Innovation In Education schools.

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