

## **West Virginia Board of Education**

### **Resolution Requesting the West Virginia Legislature Reject House Bill 4014, and Should House Bill 4014 Pass, Requesting the Governor Veto the Bill and Do All Possible to Prevent House Bill 4014 from Becoming Law**

March 9, 2016

*WHEREAS*, The West Virginia Legislature is considering House Bill 4014 (HB 4014); and

*WHEREAS*, HB 4014 has progressed from the House of Delegates to the Senate, where it has passed the Senate Education Committee and currently is being considered on the floor of the Senate; and

*WHEREAS*, while the language of HB 4014 has changed throughout the legislative process, the current version of HB 4014 attempts to usurp authority traditionally and appropriately exercised by the State Board, including, but not limited to:

- The review and establishment of academic standards to guide what students should know and be able to do;
- The determination of the assessments appropriate to measure the success of students in achieving the academic standards; and

*WHEREAS*, while the intrusion of the legislature in the standards-setting process in HB 4014 is inappropriate, of greater concern to the State Board is the clear intent of HB 4014 to direct the selection and use of a specific vendor and specific tests for student assessments; and

*WHEREAS*, a recent review by the Fordham Foundation determined that the Smarter Balanced assessment was the assessment most closely aligned with standards reflecting the West Virginia College and Career Ready Standards, and the ACT Aspire assessment was the least closely aligned; and

*WHEREAS*, HB 4014 inappropriately directs the State Board to hastily cease administering the Smarter Balanced assessments, totally disrupting the accountability system required of the State Board; and

*WHEREAS*, Senate Bill 676, considered but not passed by the Senate Education Committee, would have ordered the State Board to cease using Smarter Balanced assessments, the assessment most closely aligned with our standards, and administer instead by name the ACT Aspire and ACT college entrance exam; and

*WHEREAS*, the criteria established in HB 4014 for the selection of a replacement for the banned Smarter Balanced assessment is at best a thinly-veiled attempt to limit the ability of the State Board to select assessments other than ACT Aspire and the ACT college entrance exam; and

*WHEREAS*, throughout the legislative process, at least two (2) lobbyists representing ACT have involved themselves in the consideration of HB 4014; and

*WHEREAS*, the company owning the assessments ultimately administered by the State Board stands to be paid tens of millions of dollars of taxpayer money over the term of any contract; and

*WHEREAS*, HB 4014 is a clear attempt by the legislature to usurp the historic authority of the State Board to select the assessments most appropriate for measuring the progress of students in meeting our standards; and

*WHEREAS*, HB 4014, in its current form, rigs the system for selecting assessments in a clear attempt to limit the ability of the State Board to select assessments other than ACT Aspire and the ACT college entrance exam by doing the following:

- Prohibiting the State Board from using its current assessment, Smarter Balanced, the assessment most closely aligned with our standards; and
- Establishing criteria to be used by the State Board in the selection and administration of a new statewide assessment that are aligned so closely to ACT Aspire, the exam least aligned with our standards among those reviewed by the Fordham Foundation, and the ACT college entrance exam, that these appear to be the only assessments the State Board could select; and

*WHEREAS*, never in the history of public education in West Virginia has the legislature attempted to become so inappropriately involved in the process of selecting the standards and assessments that are the very basis of our education and accountability system; and

*WHEREAS*, never in the history of public education in West Virginia has the State Board effectively been limited by the legislature to selection of a vendor in such an important area of our education and accountability system as the administration of assessments that measure the progress of our students; and

*WHEREAS*, the State Board views one of its roles as insulating the system of public education, including students, teachers and staff, as much as possible from the effects of politics, lobbying and the compromises of the legislative process; and

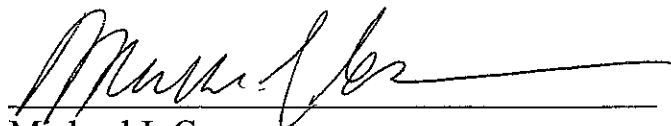
*WHEREAS*, HB 4014 reflects the worst of the legislative process and attempts to thrust those results not only on the State Board, but also on the students, teachers, parents and other stakeholders in the education system.

*Now, Therefore, Be It Resolved by the West Virginia Board of Education, That* the State Board does request that the West Virginia Legislature reject House Bill 4014; and

*Be it Further Resolved, That* should House Bill 4014 pass the legislative process, the State Board does request the Governor do veto the bill and do all possible to prevent House Bill 4014 from becoming law; and

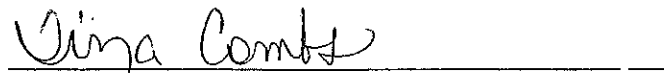
*Be it Further Resolved* that a copy of this Resolution be delivered to the Governor and each member of the West Virginia Legislature.

*This Resolution adopted by the West Virginia Board of Education this 9<sup>th</sup> day of March, 2016, at a Regular Meeting of the Board.*



Michael I. Green  
President

Attest:



Tina Combs  
Secretary