



**WEST VIRGINIA
SECRETARY OF STATE**

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eFILED

9/6/2012 10:59:35 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR
A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY **Education**

RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **126-**

RULE NAME **Regulations for the Education of Juveniles Placed in Secure Predispositional Centers** **069**
(2800)

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d**
839 (1988)

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839
(1988)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS

Tuesday, October 09, 2012

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-069



Rule Id: 8757



Document: 24208

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**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 69
REGULATIONS FOR THE EDUCATION OF JUVENILES PLACED IN SECURE
PREDISPOSITIONAL JUVENILE CENTERS (2800)**

§126-69-1. General.

1.1. Scope - This policy establishes regulations for education programs in the state's secure predispositional juvenile centers.

1.2. Authority – W.Va. Constitution, Article XII, §2; W. Va. Code §§18-2-5; 49-5A-6a; and, 49-5E-6.

1.3. Filing Date. – September 6, 2012

1.4. Effective Date. – October 9, 2012

1.5. Repeal of Former Rule. – This legislative rule amends W. Va. 126CSR69, West Virginia Board of Education Policy 2800, “Regulations for the Education of Juveniles Placed in Secure Predispositional Detention Centers” filed August 13, 1998, and effective September 12, 1998.

§126-69-2. Purpose.

2.1. Juveniles placed in secure predispositional centers represent a population at-risk for school failure, dropping out of school, delinquency, incarceration, chemical addiction, and a future of alienation and dependency. Consequently, a specialized education program is required to assist these court-involved youth in making appropriate decisions concerning their future in school, home, and community life. In addition, juveniles placed in juvenile centers also have a fundamental constitutional right to an education regardless of their custodial circumstance.

2.2. The purpose of these regulations is to provide an intervention program for at-risk youth in secure predispositional centers and to ensure they receive appropriate educational opportunities during their period of detention and thereafter.

2.3. Provide transition of juveniles back into public schools to ensure a positive transition.

§126-69-3. Responsibility for Education.

3.1. The West Virginia Department of Education (hereafter WVDE) will establish and maintain education programs and services for youth placed in secure predispositional juvenile centers in accordance with these regulations.

§126-69-4. Program.

4.1. The WVDE will design and deliver a short-term, comprehensive intervention program to achieve the following:

4.1.a. provide students with the opportunity to examine attitudes and behaviors for the purpose of promoting positive changes;

4.1.b. assist students in building positive beliefs in themselves and recognizing how preconceived ideas and low self-esteem can limit their personal growth;

4.1.c. provide information concerning prosocial life skills (e.g., social problem solving; anger control; coping and refusal skills; and sound habits of personal health);

4.1.d. provide students with the opportunity to continue basic instructional programming including remedial, special and General Educational Development (hereinafter GED) educational services and credit recovery;

4.1.e. complete an individualized education plan for each student and prepare a report of findings and recommendations for future education endeavors;

4.1.f. provide transitional planning and linkages to service providers and other resources; and

4.1.g. work in cooperation with detention center staff to achieve the mission of the institution and the juvenile justice system (viz., prevention of delinquency; habilitation of youth; and protection of the juvenile and the public).

§126-69-5. Curriculum and Instruction.

5.1. The juvenile center education program will implement curriculum and instruction in accordance with the following standards:

5.1.a. the juvenile education program will establish and implement an individualized learning program;

5.1.b. the curriculum will be organized and focused on the individual needs of students which address specified instructional goals and objectives;

5.1.c. instructional activities will be consistent with the written curriculum and relate to the individual student's academic needs and desired outcomes;

5.1.d. instructional materials will be age-appropriate, functionally-appropriate, and of high interest level for students;

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5.1.e. the program will include a library area which houses a variety of age-appropriate books and materials;

5.1.f. each student will have a written individualized education plan which will include objectives/goals for transition;

5.1.g. the instructional program will accommodate the frequent entry and exit of students;

5.1.h. curricular and instructional practices will reflect high expectations for students;

5.1.i. the instructional program will be delivered in a climate conducive to learning; and

5.1.j. instructional materials, supplies and equipment will be available to provide for student's individualized education plan.

§126-69-6. Transfer of Student Records.

6.1. The juvenile center education program will establish and implement written procedures for the immediate transfer of student records from the public schools to the institution, from the institution to the public schools, and from institution to institution. Procedures will include a protocol for insuring the confidentiality of school records when sent or received via facsimile. County school districts throughout the state shall provide school records to juvenile education programs in a forthwith manner.

6.2 County school districts transferring students to a juvenile facility must do so in an expeditious manner upon request from department staff.

§126-69-7. Assessment of Education Status.

7.1 The juvenile center education program will include an assessment of each student's educational status. Staff will refer the student for comprehensive educational assessments in suspected areas of need as appropriate. A report of findings and recommendations will be prepared for each student and made available to the court for purposes of disposition. Each student will be administered reading/math inventories at intake in order to build individualized learning plans based on the data reflected in the assessment.

§126-69-8. School Calendar.

8.1. The WVDE will establish a calendar for the juvenile center education program in consultation with the director of the juvenile centers. The calendar for the juvenile education program will include a regular school term in compliance with state law concerning the required number of instructional and non-instructional days. The WVDE will also provide, and the calendar include, an extended school term of up to 40 days (viz., a 12-month education program)

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to the extent funds are provided to the WVDE for such programs. When appropriate a balanced calendar at juvenile facilities should be established to enhance and support student's academic outcomes.

§126-69-9. Length of Instructional Day.

9.1. The juvenile education program will provide students the opportunity for a full instructional day in accordance with State Board of Education Policy 2510.

§126-69-10. Educational Facilities and Security.

10.1. The Division of Juvenile Services or its public or private service provider has the responsibility to provide the WVDE with an area of adequate size to implement the program and appropriate security to insure the safety of staff and students. The area shall be safe, meet the needs of students, and provide for an environment conducive to learning.

§126-69-11. Professional Staff Qualifications.

11.1. The professional educator(s) assigned to provide instructional services in the juvenile center will hold or qualify for a West Virginia professional or temporary teaching certificate. At least one professional will be endorsed in multi categorical special education.

§126-69-12. Maintenance of Educational Records.

12.1. Educational records will be kept separate from the resident filing system within the juvenile center and maintained in accordance with applicable regulations under W. Va. 126-CSR-16, WVBE Policy 2419, Regulations for the Education of Students with Exceptionalities.

§126-69-13. Special Education.

13.1. Exceptional students placed in a secure predispositional juvenile center will receive a free appropriate public education in accordance with applicable regulations under W. Va. 126-CSR-16, WVBE Policy 2419, Regulations for the Education of Students with Exceptionalities.

§126-69-14. Staffing.

14.1. The WVDE will provide staff appropriate in number to implement the provisions of these regulations.

§126-69-15. Written Operational Procedures.

15.1. The State Superintendent of Schools or designee is authorized to develop written operational procedures to implement the intent and provisions of this policy.

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§126-69-16. Cooperation from County School Districts and RESAs.

16.1 Each county school district and regional education service agency shall cooperate with the WVDE in providing an adequate and appropriate education for incarcerated juveniles and adults. Students in transition from one of the juvenile institutions must be placed into the public school environment relevant to the student's programmatic level. These students must be given equal access to educational programs and services. If alternative education placement has been selected as the option, then justification must be provided to the transition specialist unless this placement was part of the transition plan. Cooperation shall include, but is not limited to, the (1) transfer of students' educational records in an expeditious manner upon request by WVDE staff; (2) develop a plan of transition, support and integration at the receiving school to assure optimum conditions into public school. This plan shall be developed by counselor, administration, and/or parents and transition specialist; (3) acceptance of credits earned toward graduation upon documentation that completed coursework meet State Board requirements; (4) inclusion of WVDE staff in opportunities to participate in planned inservices and continuing education activities; (5) provision of technical assistance, upon request, from regional staff; and, (6) development of mutual agreements to access needed services.

§126-69-17. Monitoring.

17.1. The WVDE will monitor compliance with these regulations.

§126-69-18. Severability.

18.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.