



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY

Education

TITLE NUMBER

126

RULE TYPE

AMENDMENT TO EXISTING RULE

CITE AUTHORITY

Legislative Exempt

Yes

W. Va. Code §§29A-3B-

SERIES NUMBER OF RULE BEING AMENDED

007t seq.; W. Va. Board
of Education v.

COMMENTS LIMITED TO

Written

Hechler, 180 W. Va.

451; 376 S.E.2d 839

(1988)

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS

Monday, March 12, 2012 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO

Fran Warsing, Superintendent

Office of Institutional Education Programs

WVDE - Capitol Building 6, Room 728

1900 Kanawha Boulevard, East

Charleston, West Virginia 25305-0330

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: 126-007



Rule Id: 8521



Document 23395



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY

Education

TITLE NUMBER

126

RULE TYPE

AMENDMENT TO EXISTING RULE

CITE AUTHORITY

Legislative Exempt

Yes

W. Va. Code §§29A-3B-

SERIES NUMBER OF RULE BEING AMENDED

**007t seq.; W. Va. Board
of Education v.**

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

This policy describes the mission and goals of the West Virginia Department of Education in providing educational programs and services for incarcerated juveniles and adults in facilities operated by the Division of Corrections and the Division of Juvenile Services.

**Hechler, 180 W. Va.
451; 376 S.E.2d §39**

(1988)

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.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY

Education

RULE TYPE

Legislative Exempt

SERIES NUMBER OF RULE BEING AMENDED

AMENDMENT TO EXISTING RULE

Yes

TITLE NUMBER

126

CITE AUTHORITY

W. Va. Code §§29A-3B-
007t seq.; W. Va. Board
of Education v.

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

Hechler, 180 W. Va.
451; 376 S.E.2d 839
(1988)

No costs or revenues will be impacted by the proposed amendment of W. Va. 126CSR7, Policy 1471: Education in the States Correctional Institutions: Mission and Goals.

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.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY		TITLE NUMBER
Education		126
RULE TYPE	AMENDMENT TO EXISTING RULE	CITE AUTHORITY
Legislative Exempt	Yes	W. Va. Code §§29A-3B-
SERIES NUMBER OF RULE BEING AMENDED		007t seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988)

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

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: 126-007



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY

Education

RULE TYPE

Legislative Exempt

SERIES NUMBER OF RULE BEING AMENDED

AMENDMENT TO EXISTING RULE

Yes

TITLE NUMBER

126

CITE AUTHORITY

W. Va. Code §§29A-3B-00 et seq.; W. Va. Board of Education v.

Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988)

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECTS) PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.
No costs or revenues will be impacted by the proposed amendment of W. Va. 126CSR7, Policy 1471: Education in the States Correctional Institutions: Mission and Goals.

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.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY

Education

RULE TYPE

Legislative Exempt

SERIES NUMBER OF RULE BEING AMENDED

AMENDMENT TO EXISTING RULE

Yes

TITLE NUMBER

126

CITE AUTHORITY

W. Va. Code §§29A-3B-

007t seq.; W. Va. Board
of Education v.

Hechler, 180 W. Va.

451, 376 S.E. 2d 839

(1988)

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

No costs or revenues will be impacted by the proposed amendment of W. Va. 126CSR7, Policy 1471: Education in the States Correctional Institutions: Mission and Goals. The proposed policy amendments update the language included in the rule.

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

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: 126-007



Rule Id: 8521



Document 23395

EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: **Policy 1471:** Education in the ~~State's~~ West Virginia's Correctional Institutions: Mission and Goals

Background: This policy describes the mission and goals of the West Virginia Department of Education in providing educational programs and services for incarcerated juveniles and adults in facilities operated by the Division of Corrections and the Division of Juvenile Services.

Proposals: Revisions to Policy 1471 are being recommended to change the titles of the agencies responsible for working with West Virginia Department of Education to provide education programs and services for incarcerated juvenile and adults in facilities.

See Section 3.1 and 4.1.7.b for changes updating vocational programs to CTE (career, technical education).

See 4.1.3 Personnel, Salary and Benefits for revisions of language to clarify personnel salaries and benefits for WVDE employees will be paid according to the county pay scale in which the institution is located.

Impact: None

Response to Comments:

STAKEHOLDERS RESPONSIBLE FOR PROPOSED AMENDMENTS TO POLICY 1471

Dr. Kathy D'Antoni

Dr. Fran Warsing

Jacob Green

Dewayne Duncan

126CSR7

TITLE 126
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION

SERIES 7
EDUCATION IN ~~THE STATE'S~~ WEST VIRGINIA'S CORRECTIONAL
INSTITUTIONS: MISSION AND GOALS (1471)

§126-7-1. General.

1.1. Scope. – This legislative rule describes the mission and goals of the West Virginia Department of Education in providing educational programs and services for incarcerated juveniles and adults in facilities operated by the ~~Department~~ Division of Corrections and Division of Juvenile Services. The mission statement and goals are intended to provide the foundation for the implementation of: 1) W. Va. Code §18-2-13f which requires the West Virginia State Board of Education to provide an adequate and appropriate education for school-aged institutionalized juveniles in the state's correctional facilities, and 2) W. Va. Code §18-20-5 which requires the West Virginia State Board of Education to provide education to adults in correctional institutions to the extent funds are provided by the legislature.

1.2. Authority. – W. Va. Constitution, Article XII, § 2; W. Va. Code §§18-2-13f et.seq. and 18-20-5.

1.3. Filing Date. – ~~June 18, 1990~~

1.4. Effective Date. – ~~July 31, 1990~~

1.5. Repeal of Former Rule. – This legislative rule amends W. Va. 126CSR7, West Virginia Board of Education Policy 1471, "Education in the State's Correctional Institutions: Mission and Goals: filed in June 18, 1990, and effective July 31, 1990.

§126-7-2. Definitions as used in these Regulations.

2.1. "Mission Statement: means the purpose and broad description of the activities of the West Virginia Department of Education (hereinafter WVDE) in the state's correctional institutions.

2.2. "Goals" mean the specific targets toward which the ~~State Department of Education~~ WVDE will direct activities in providing educational programs and services for incarcerated juveniles and adults in compliance with W. Va. Code §§18-2-13f and 18-20-5.

2.3. "School-age institutionalized juveniles" mean residents under the age of 21 prior to the first day of September of such school year who have general, special and vocational education needs. "School-age institutionalized juveniles" also includes exceptional students to the age of 23 provided the student is at least 21 years of age and enrolled in a special education program prior to the first day of September 1991.

§126-7-3. Mission Statement.

3.1. The mission of the WVDE in correctional facilities operated by the ~~Department~~ Division of Corrections and Division of Juvenile Services is to provide correctional educational programs designed to meet the diverse needs of incarcerated juveniles and adults. These programs include offerings in general education, basic skills instruction, General Educational Development (hereinafter GED) preparation, ~~pre-vocational~~ career technical education (hereinafter CTE) and ~~vocational-education~~ CTE, special education and related services, remedial education, social/living skills education, counseling and transitional services, and other programs required to meet the educational needs of incarcerated individual. The provision of correctional educational programs affords opportunities for students to reenter high school, attain a GED certificate, acquire marketable job skills, achieve basic literacy and functional life skills and make successful transitions to school, the work place, post-secondary programs or other community or rehabilitative placements. To assist students in realizing these opportunities, and to provide education that is adequate and appropriate, the ~~Department~~ WVDE shall individualize each student's educational program in accordance with his or her unique needs, abilities, plan of treatment, length of incarceration, and realistic career goals.

§126-7-4. Goals.

4.1. The goals for development of correctional education programs include:

4.1.a. Opportunities - Incarcerated youth in correctional institutions will have adequate and appropriate educational opportunities. Incarcerated adults will have adequate and appropriate educational opportunities to the extent funds are provided by the legislature. Objectives to accomplish this goal include:

4.1.a.1. To provide a comprehensive assessment of each student's educational and vocational needs and aptitudes.

4.1.a.2. To develop an individualized program plan for each incarcerated juvenile and adult in accordance with his or her unique needs, abilities, plan of treatment, length of incarceration, and realistic career goals.

4.1.a.3. To provide equal educational programs and services for male and female offenders.

4.1.a.4. To provide educational opportunities for incarcerated individuals who are in segregated/special custody settings.

4.1.a.5. To develop programs which meet applicable state board of education policies and accreditation requirements (e.g., personnel qualifications, instructional time, textbooks).

126CSR7

4.1.b. Academic Performance - The ~~Department of Education~~ WVDE will provide educational programs designed to permit incarcerated students the opportunity to acquire knowledge and skills needed to succeed in a competitive, changing society. Objectives to accomplish this goal include:

4.1.b.1. To provide academic instruction to incarcerated juveniles to facilitate reentry into the public school system or lead to attainment of a GED certificate.

4.1.b.2. To provide special education and related services for incarcerated juvenile and adult exceptional students in accordance with applicable state and federal requirements.

4.1.b.3. To provide social/functional living skills training to assist juvenile and adult offenders in making a successful transition into society.

4.1.b.4. To provide remedial instruction to help incarcerated students overcome educational deficiencies.

4.1.b.5. To provide instruction that will enable adult offenders to obtain a GED certificate or raise their functional literacy level to the highest level attainable.

4.1.b.6. To provide instructional technology and alternative instructional strategies to address the unique learning needs of incarcerated juveniles and adults.

4.1.b.7. To provide counseling and transitional services which facilitate the successful reentry into high school, or entry into the workplace, post-secondary programs or other appropriate community or rehabilitative placements.

4.1.b.8. To provide curriculum and instruction based upon the state's instructional goals and objectives, and appropriate to the characteristics and needs of incarcerated adolescent and adult learners.

4.1.b.9. To provide regular evaluation of student progress to document/certify the attainment of grades, credits, competencies, and certificates.

4.1.c. Personnel, Salary and Benefits – Appropriate personnel will be recruited, retained and provided competitive salaries and benefits. Objectives to accomplish this goal include:

4.1.c.1. To employ qualified personnel to work in the ~~Department's~~ WVDE's educational programs in the state's correctional institutions.

4.1.c.2. To provide salaries for educational personnel in the state's correctional institutions which are equivalent in terms of daily rate of pay to educational personnel employed in comparable positions in the public schools in the county where the institution is located.

4.1.c.3. To raise the profile and increase the visibility of accomplishments of correctional educators.

4.1.d. Professional Development – Educational personnel in the state’s correctional institutions will improve their knowledge and skills to help each incarcerated student succeed. Objectives to accomplish this goal include:

4.1.d.1. To provide a comprehensive system of personnel development which includes an ongoing staff induction and staff development program to assist personnel in developing and upgrading skills.

4.1.d.2. To develop personnel evaluation policies and procedures which promote personnel competency.

4.1.d.3. To develop competencies of personnel in the areas of establishing and maintaining high student expectations and enhancing the positive self-esteem of students.

4.1.d.4. To empower teachers by providing opportunities for them to share in decision-making regarding the teaching-learning process.

4.1.e. Community Involvement – Educational programs in state correctional institutions will enlist community support to enrich the quality of services for students and to assist them in making a successful transition into society. Objectives to accomplish this goal include:

4.1.e.1. To heighten the awareness of the community to educational programs in correctional institutions.

4.1.e.2. To involve members of the community in the educational process.

4.1.f. Facilities – Education facilities in correctional institutions will be safe and adequate to meet the needs of students in an efficient and economic manner. Objectives to accomplish this goal include:

4.1.f.1. To assist the ~~Department~~ Division of Corrections in meeting their obligations under the Interagency Agreement via developing a partnership for improving school facilities for incarcerated youth by accessing available state and federal funding for construction and renovation.

4.1.f.2. To assist in developing adequate and appropriate educational facilities for incarcerated adults and juveniles via participation in the architectural planning of facilities slated for construction and renovation under the “West Virginia Regional Jails and Correctional Facilities Master Plan”.

4.1.g. Economic Development – Vocational, technical and adult education programs for the offender population will provide opportunities for incarcerated individuals to make positive contributions to society and the state’s economic development. Objectives to accomplish this goal include:

4.1.g.1. To provide career exploration/pre-vocational programs that introduce incarcerated youth students to employment areas, the world of work and the work ethic.

4.1.g.2. To provide ~~vocational~~ CTE programs to incarcerated students that lead to the acquisition of entry level job skills and attitudes.

4.1.g.3. To focus vocational, technical and adult education programs on employability skills, computer literacy and academic performance in basic skills.

4.1.h. Cooperation – The ~~Department of Education~~ WVDE will maintain and foster a cooperative relationship with ~~Department~~ Division of Corrections; staff and Division of Juvenile Justice to facilitate the achievement of educational, treatment, and transitional (aftercare) goals for incarcerated juveniles and adults.

§126-7-5. Implementation Procedures.

5.1. The state superintendent of schools is empowered to develop written implementation procedures to accomplish the Board’s mission and goals for education in the state’s correctional institutions. Sources of authority for implementation procedures shall include applicable State Board of Education policies, state statutes, federal laws and regulations and directives from the state superintendent of schools and designated staff. Procedures which may impact the operation of the correctional institution or treatment program shall be developed in a collaborative manner with ~~Department~~ Division of Corrections’ personnel and are subject to the provisions of the interagency agreement between the ~~Department of Education~~ WVDE and the ~~Department~~ Division of Corrections.

§126-7-6. Cooperation from County School Districts and RESAs.

6.1. Each county school district and regional education service agency shall cooperate with the ~~State Department of Education~~ WVDE in providing an adequate and appropriate education for incarcerated juveniles and adults. Cooperation shall include, but is not limited to, the (1) transfer of students’ educational records in a forthwith manner upon request by ~~Department~~ WVDE staff; (2) provision of support services for students who reenter high school; (3) acceptance of credits earned toward graduation upon documentation that completed coursework meet State Board requirements; (4) inclusion of ~~Department~~ WVDE staff in opportunities to participate in planned inservice and continuing education activities; (5) provision of technical assistance, upon request, from regional staff; and, (6) development of mutual agreements to access needed services.

§126-7-7. Severability.

126CSR7

7.1. 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.

**POLICY 1471: Education in the State's West Virginia's Correctional Institutions:
Mission and Goals**

COMMENT PERIOD ENDS: March 12, 2012

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 1471: Education in ~~State's~~ West Virginia's Correctional Institutions: Mission and Goals. Additional sheets may be attached, if necessary.

Name : _____ Organization: _____

Title: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Please check the box below that best describes your role.

- | | | |
|---|--|--|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Community Member |

COMMENTS/SUGGESTIONS
§126-7-2. Definitions as used in these Regulations.
§126-7-3 Mission Statement.
§126-7-4. Goals.

§126-7-5. Implementation Procedures.

§126-7-6. Cooperation from County School Districts and RESAs.

§126-7-7. Severability.

Please direct all comments to:

Fran Warsing, Superintendent
Office of Institutional Education Programs
West Virginia Department of Education
Capitol Building 6, Room 728
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: rmahan@access.k12.wv.us
Fax No.: (304) 558-8833