



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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7/13/2012 2:57:24 PM

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

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)**

**COMMENTS LIMITED TO
Written**

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

**DATE WRITTEN COMMENT PERIOD ENDS
Monday, August 13, 2012 4:00 PM**

**WRITTEN COMMENTS MAY BE MAILED TO
Fran Warsing, Superintendent
Office of Adult Institutional Education Programs
WVDE - Capitol Building 6, Room 221
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: 126-069



Rule Id: 8757



Document: 23906



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839 (1988)

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

Revisions to Policy 2800 are being recommended in order to assure individualized programming for all students and to provide guidelines for schools to follow when receiving at student returning to a public school from an institutional facility. The juvenile programs are currently being operated by Division of Juvenile Services. When the original policy was written the Division of Corrections was the agency in charge of juvenile detention centers.

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

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**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)**

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

**No costs or revenues will be impacted by the proposed amendment of W. Va. 126CSR69, Policy 2800:
Regulations for the Education of Juveniles Placed in Secure Predispositional Juvenile Centers.**

**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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(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)

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.



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

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(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)

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). 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. 126CSR69, Policy 2800: Regulations for the Education of Juveniles Placed in Secure Predispositional Juvenile Centers.

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)

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(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)

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. 126CSR69, Policy 2800: Regulations for the Education of Juveniles Placed in Secure Predispositional Juvenile Centers. 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: 126-069



Rule Id: 8757



Document: 23906

EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: **Policy 2800:** Regulations for the Education of Juveniles Placed in Secure Predispositional Juvenile Centers.

Background: This policy establishes regulations for education programs in the State's secure predispositional juvenile centers. 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.

Proposals: Revisions to Policy 2800 are being recommended in order to assure individualized programming for all students and to provide guidelines for schools to follow when receiving at student returning to a public school from an institutional facility. The juvenile programs are currently being operated by Division of Juvenile Services. When the original policy was written the Division of Corrections was the agency in charge of juvenile detention centers.

Impact: None

Response to Comments:

STAKEHOLDERS RESPONSIBLE FOR PROPOSED AMENDMENTS TO POLICY 2800

Dr. Kathy D'Antoni

Dr. Fran Warsing

Jacob Green

Dewayne Duncan

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

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

§126-69-1. General.

1.1. Scope - This policy establishes regulations for education programs in the state's secure predispositional juvenile ~~detention~~-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. – ~~August 13, 1998.~~

1.4. Effective Date. – ~~September 12, 1998.~~

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 ~~detention~~ 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 ~~detention~~ 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 ~~detention~~ 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, ~~high-impact~~ 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 ~~assessment of~~ individualized education plan for each student's ~~education status~~ 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 ~~detention~~ juvenile center education program will implement curriculum and instruction in accordance with the following standards:

5.1.a. the ~~detention~~ juvenile education program will ~~have a written curriculum for implementing the program~~ establish and implement an individualized learning program;

5.1.b. the curriculum will be organized and ~~sequenced in a series of short-term, high-impact modular units~~ 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 appropriate for the student's developmental level 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;

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 ~~set of individualized educational goals which culminate in a transitional plan~~ 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. ~~sufficient~~ instructional materials, supplies and equipment will be available to ~~deliver the curricular content provide for student's individualized education plan.~~

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

6.1. The ~~detention~~ 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 ~~FAX-facsimile~~. County school districts throughout the state shall provide school records to ~~detention~~ 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 ~~detention~~ 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 ~~detention~~ juvenile center education program in consultation with the director of the juvenile ~~detention~~ centers. The calendar for the ~~detention~~ 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) 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 ~~detention~~ 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 ~~detention~~ 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. ~~endorsed to provide special education to behavior disordered students or specific learning disabled students.~~

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

12.1. Educational records will be kept separate from the resident filing system within the ~~detention~~ juvenile facility center and maintained in accordance with applicable regulations under W. Va. 126-CSR-16, WVBE State Board of Education 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 ~~detention~~ center will receive a free appropriate public education in accordance with applicable regulations under

W. Va. 126-CSR-16, WVBE State Board of Education 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.

§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.

§126-69-16-7. Monitoring.

16-7.1. 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.

126CSR69

**POLICY 2800: Regulations for the Education of Juveniles Placed in Secure
Predispositional ~~Detention~~ Juvenile Centers**

COMMENT PERIOD ENDS: August 13, 2012

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2800: Regulations for the Education of Juveniles Placed in Secure Predispositional ~~Detention~~ Juvenile Centers. 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.

- | | | |
|---|--|--|
| ☐ School System Superintendent | ☐ School System Staff | ☐ Parent/Family |
| ☐ Principal | ☐ Teacher | ☐ Business/Industry |
| ☐ Professional Support Staff | ☐ Service Personnel | ☐ Community Member |

COMMENTS/SUGGESTIONS
§126-69-2. Purpose.
§126-69-3. Responsibility for Education.

126CSR69

§126-69-4. Program.

§126-69-5. Curriculum and Instruction.

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

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

§126-69-8. School Calendar.

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

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

126CSR69

§126-69-11. Professional Staff Qualifications.

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

§126-69-13. Special Education.

§126-69-14. Staffing.

§126-69-15. Written Operational Procedures.

§126-69-16. Monitoring.

§126-69-17. Severability.

126CSR69

Please direct all comments to:

Fran Warsing, Superintendent
Office of Adult Institutional Education Programs
West Virginia Department of Education
Capitol Building 6, Room 221
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: rmahan@access.k12.wv.us
Fax No.: (304) 558-3946