



**WEST VIRGINIA  
SECRETARY OF STATE**

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10/9/2014 4:25:27 PM

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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 **Transformative System of Support for Early Literacy (2512) 030**

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

**Monday, November 10, 2014**

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: 126-030



Rule Id: 9477



Document: 26272

# 126CSR30

## TITLE 126 LEGISLATIVE RULE BOARD OF EDUCATION SERIES 30

### TRANSFORMATIVE SYSTEM OF SUPPORT FOR EARLY LITERACY (2512)

#### §126-30-1. General.

1.1. **Scope.** - This policy establishes rules to effectuate the provision of W. Va. Code §18-2E-10 transformative system of support for early literacy. However, if a county board determines that adequate funds are not available for full implementation of a transformative system of support for early literacy in the county, the county board may implement its program in phases by first establishing early literacy instructional support programs in the early readiness grades (Kindergarten), then the primary grades (Grades 1-2), and then establishing an early literacy instructional support program for the third grade once the county board determines that adequate funds are available.

1.2. **Authority.** - W. Va. Constitution, Article XII, 2; W. Va. Code §18-2-5 and §18-2E-10

1.3. **Filing Date.** - October 9, 2014

1.4. **Effective Date.** - November 10, 2014

1.5. **Repeal of Former Rule.** - Repeal of former rule. This rule repeals and replaces W. Va. 126CSR30, West Virginia Board of Education (hereinafter WVBE) Policy 2512, Instructional Supports for Third and Eighth Grade Students to Achieve Critical Skills, filed September 24, 2009 and effective October 26, 2009.

#### §126-30-2. Purpose.

2.1. The purpose of this policy is to provide rules that encourage and assist county boards in establishing a transformative system of support for students to meet grade-level proficiency in reading by the end of third grade, targeting a comprehensive system of support for early literacy in grades kindergarten through third grade. This approach shall focus on supports during the early learning years which include schools and engaged communities mobilized to remove barriers, expand opportunities, and assist parents in fulfilling their roles and responsibilities to serve as full partners in the success of their children. The development of a comprehensive, systemic approach to close the reading achievement gap by third grade targets school readiness, the attendance gap, summer learning loss and a transformative intervention framework and serves as the blueprint for West Virginia's Campaign for Grade Level Reading.

#### §126-30-3. General Responsibilities.

3.1. The WVBE has the responsibility of generating policy that includes rules to effectuate the provisions of W. Va. Code §18-2E-10 that includes at least the following:

3.1.a. Development of a comprehensive, systemic approach to close the reading achievement gap by third grade, which targets school readiness, the attendance gap, summer learning loss and a transformative intervention framework for student and learning supports;

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3.1.b. Ensuring all West Virginia children have access to high quality early learning experiences that focus on healthy learners as part of the school readiness model, resulting in increased populations of children on target for healthy development prior to entering first grade;

3.1.c. Closing the attendance gap to certify West Virginia children attend school regularly and limit chronic absenteeism in the early grades;

3.1.d. Assisting county boards in establishing and operating targeted, sustained extended day and extended year reading programs to ensure grade level proficiency and battle summer learning loss;

3.1.e. Maximizing family engagement to result in the development of a culture of literacy from birth through third grade;

3.1.f. Supporting high quality schools and a workforce prepared to address early literacy, identification of interventions, and implementation of a system of intervention for children not reaching grade level proficiency;

3.1.g. Ensuring the employment of qualified teachers and service personnel in accordance with the provisions of section thirty-nine, article five of this chapter and section seven-c, article four, chapter eighteen-a of this code to provide instruction to students enrolled in early literacy support programs;

3.1.h. Creating a formula or grant-based program for the distribution of funds appropriated specifically for the purposes of this section or otherwise available for the support of a targeted, comprehensive system of support for early literacy;

3.1.i. Providing support for transportation and healthy foods for students required to attend after-school and extended year early literacy instructional support programs and supervision at the school that accommodates the typical work schedules of parents; and

3.1.j. Receiving from county boards any applications and annual reports required by rule of the state board.

3.2. The West Virginia Department of Education (hereinafter WVDE) has the primary responsibility for providing leadership in: 1) defining and developing the framework for the effective design and implementation of a transformative system of support for early literacy; 2) assisting counties in the design and implementation of the support system through structures to maximize funding resources available; 3) developing online structures/systems to increase efficiency of delivery and accountability; and 4) designing a reporting system that informs the WVBE, Legislature and the Governor of monitored progress of implementation of a system of support for early literacy. It is further the responsibility of the WVDE to:

3.2.a. develop guidance, process and protocol resources to support the design and delivery of a comprehensive transformative system of support for early literacy that includes:

3.2.a.1. definitions associated with and an overview of the transformative system of support for early literacy, which is aligned to and supportive of West Virginia's Campaign for Grade Level Reading and includes as primary components efforts to support school readiness based on WV's Comprehensive Framework for School Readiness, efforts to promote school attendance during the early years to establish positive habits and deter chronic absenteeism; and efforts to ensure opportunities for

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targeted, sustained extended day and extended year learning opportunities to provide students with ongoing support with early literacy development;

3.2.a.2. recommendations to assist counties with the design and implementation of the transformative system of support for early literacy to maximize funding resources available;

3.2.a.3. recommendations for increasing family engagement as part of the transformative system of support for early literacy;

3.2.a.4. recommendations for maximizing alternate sources of funding, Title I, Title II, and Individuals with Disabilities Education Improvement Act (IDEA) to support the Transformative System of Support for Early Literacy; and

3.2.a.5. guidance to support completion of required Annual Reports, as applicable, to be submitted to the WVBE, Legislature, and Governor; and

3.2.b. develop an Early Learning Reporting System based on the formative assessment process to gauge students' ongoing progress toward grade level proficiency, including English language arts, that provides:

3.2.b.1. a mechanism to generate classroom, school, county, and state-level reports to indicate progress toward closing the literacy achievement gap in West Virginia in grades kindergarten through grade 3, as applicable per W. Va. 126CSR42, WVBE Policy 2510: Assuring the Quality of Education: Regulations for Education Programs;

3.2.b.2. the capability to generate individualized student reports for families to better understand their child's progress toward proficiency across standards;

3.2.b.3. the capability to examine outcome data for students over multiple years to gauge progress toward proficiency across standards; and

3.2.b.4. a resource and recommendation guide for the use of early literacy reports from the Early Learning Reporting System to base literacy intervention and targeted, sustained extended day and extended year program design and implementation.

3.3. The Regional Education Service Agencies (hereinafter RESAs): should be fully utilized in the implementation of WVBE policy requirements at the county and school level through the following important responsibilities:

3.3.a. provide technical assistance to counties to assist with implementation of the transformative system of support for early literacy;

3.3.b. provide high-quality professional learning opportunities to support teachers and teacher assistants in the delivery of a comprehensive approach to early learning; and

3.3.c. facilitate coordination and cooperation among county boards within their respective regions in the design and delivery of ongoing support.

3.4. It is the responsibility of county boards of education to plan, deliver and evaluate the implementation of a transformative system of support for early literacy in accordance with WVBE policy and WVDE guidance resources as defined in this policy. In carrying out this responsibility the county

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boards must address the following established processes that meet the requirements for a transformative system of support for early literacy:

3.4.a. a county plan that includes a needs assessment to determine the potential capacity requirements for the system of support for early learners that addresses the comprehensive, systemic approach to a transformative system of support for early literacy, which includes components outlined in West Virginia's Campaign for Grade Level Reading and identified in section 3.1. of this policy including:

3.4.a.1. development of a comprehensive, systemic approach to close the reading achievement gap by third grade, which targets school readiness, the attendance gap, summer learning loss and a transformative intervention framework for student and learning supports;

3.4.a.2. ensuring all West Virginia children have access to high quality early learning experiences that focus on healthy learners as part of the school readiness model, resulting in increased populations of children on target for healthy development prior to entering first grade; and

3.4.a.3. closing the attendance gap to certify West Virginia children attend school regularly and limit chronic absenteeism in the early grades;

3.4.b. a systematic process for identification and monitoring of students receiving early literacy intervention before, during, and after school, and in the summer;

3.4.c. delivery and monitoring of research based instructional support/interventions before, during, and after school, and in the summer;

3.4.d. maximization of funding resources, which may include Title I, Title II, IDEA, and 21st Century Community Center Programs funds to support instructional intervention in grades kindergarten through grade 3.

3.4.e. employment of highly qualified teachers and service personnel for the delivery of instruction and support;

3.4.f. family engagement programs supporting early literacy development of their children;

3.4.g. provision of high-quality educational facilities, equipment and services to support early literacy instructional support programs established pursuant to this section. Extended year programs may be provided at a central location for kindergarten through third graders who qualify for the program. County boards may not charge tuition for enrollment in early literacy instructional support programs established pursuant to this section; and

3.4.h. support for transportation and healthy foods for students required to attend after-school and extended year early literacy instructional support programs and supervision at the school that accommodates the typical work schedules of parents;

3.5. A student in grades kindergarten through three who is recommended by the student assistance team or the student's classroom teacher for additional assistance in one or more of the key standards of English Language Arts, including reading, speaking and listening, writing or language may be required to attend an extended year early literacy instructional support program as a condition for promotion if:

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3.5.a. The student has been provided additional academic help through an in-school or after-school early literacy instructional support program and, prior to the end of the school year, the student assistance team or the student's classroom teacher recommends that further additional academic help is needed for the student to be successful at the next grade level; and

3.5.b. The county board has established an early literacy instructional support program during the extended year for the student's grade level.

3.5.c. This section may not be construed to prohibit a classroom teacher from recommending the grade level retention of a student based upon the student's lack of mastery of the subject matter, nor may this section be construed to affect the individualized education plans of exceptional students.

### **§126-30-4. Severability.**

4.1. 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.