

**Policy 2446, Public School Support for the Mountaineer Challenge Academy
Comment Log
August 11, 2016 - September 12, 2016**

Action		Type	
N	No Response	-	Negative
NA	Not Accepted	+	Positive
A	Accepted	o	Neutral

DATE	INDIVIDUAL ORGANIZATION	COMMENTS	ACTION/TYPE	RATIONALE
§126-38-1 General				
2016-09-08 14:00:57	Robert T Morris Deputy Director Mountaineer Challenge Academy Kingwood WV	No comment.		
§126-38-2 Enrollment Status of Students				
2016-09-08 14:00:57	Robert T Morris Deputy Director Mountaineer Challenge Academy Kingwood WV	Use of the terms Local Education Agencies and LEA in the proposed rule are confusing, since these terms are not used in the amended statute. Instead, the amended statute refers to “[p]ayment of tuition by a county board to the Mountaineer Challenge Academy for each student	A/+	The term “LEA” will be replaced with “county board of education.”

graduating from the academy with a high school diploma that resides in that county board's district." Suggest substituting "county boards" for "Local Education Agencies" and "county board" for "LEA" in the proposed rule.

§126-38-3 Tuition

2016-08-12 09:41:17
 Lisa Heinbaugh
 RS3
 RESA
 Clarksburg WV

Has there always been a responsibility for a county to provide tuition for graduates of the academy? If not, I think principals might be discouraged by their central office to use this option especially in counties that are financially strapped.

NA/-

This is a new requirement. The county will benefit from this arrangement because the county attendance rate will not be negatively impacted when students are sent to the academy and because the students who graduate from the Academy will be counted as completers which will positively impact the county's graduation rate.

2016-09-08 14:00:57
 Robert T Morris
 Deputy Director
 Mountaineer Challenge Academy
 Kingwood WV

Use of the term "LEA" in the proposed rule is confusing, since the term is not used in the amended statute. Instead, the amended statute refers to "[p]ayment of tuition by a county board to the Mountaineer Challenge Academy for each student graduating from the academy with a high school

A/+

The term "LEA" will be replaced with "county board of education."

diploma that resides in that county board's district".
Suggest substituting "county board" for "LEA" in the proposed rule.

The proposed rule also has significantly different language from the statute and potentially changes its meaning. Specifically, there is a potential conflict between "resides" and "enrolled" and there is no verification process for students the county identifies as home schooled or dropouts.

The amended statute provides: "[p]ayment of tuition by a county board to the Mountaineer Challenge Academy for each student graduating from the academy with a high school diploma that resides in that county board's district".

However, the proposed legislative rule significantly narrows the statute by stating: "The LEA shall pay

NA/-

The language in this policy clarifies that counties will only be responsible for paying tuition to the MCA for students for whom they have received state funding. Counties only receive funding for students who are enrolled in a school in the county and who are reported on the second month enrollment collection.

tuition to the MCA only for those students earning a high school diploma while at the MCA and for whom the county receives state aid funding during the school year that the student attends the MCA. (based on the enrollment status as of the preceding year, second month enrollment) or for whom the county will receive state aid funding in the subsequent school year (based on the enrollment status as of the second month enrollment in the year of attendance at MCA)” .

With the proposed additional language, a county board might be able to avoid paying tuition for a graduate of the Academy by disenrolling a student who is home-schooled or labeled a dropout.

The proposed rule also does not address how payments are processed. A better approach would be for the

A county board of education (or any public school entity) does not have the authority to unilaterally disenroll a student. Students who have dropped out of public school or whose parents have opted to homeschool cannot legally remain enrolled. However, if students who have previously dropped out or have previously been homeschooled complete the option pathway at the MCA, the county can enroll the student for purposes of issuing a high school diploma. If the county has received or will receive state aid funding for these students during the year that the students attends MCA or during the year following MCA attendance, the county will pay tuition. Under this rule, the county will not be required to pay tuition

transaction of funds between the State Department of Education and the West Virginia Military Authority annually. Funds could be deducted from the county allowances from the State Department of Education prior to the distribution of funds from the Public School Support Plan (PSSP). Individual schools have already expressed their reluctance and refusal to use MCA as an Alternative Education site because of this action.

for a student earning a diploma while at the MCA only when the county has received no state aid funding for the student. We anticipate that this will be a very rare occurrence.

State law does not permit the WVDE to deduct money from distribution to counties for payment to other entities. The WVDE will issue guidance to counties regarding the payment of tuition to the MCA. Once a list of graduates earning high school diplomas is confirmed by the WVDE, the WVDE will notify counties of their obligation under the statute and work with MCA to prepare invoices and ensure that the required financial transactions are completed in a timely manner.

Additional questions and considerations regarding implementation of the statute include: (1) how billing notification will occur; (2) when payment is due; and (3) whether county boards pay MCA directly.

§126-38-4 Option Pathway and High School Diploma

2016-09-08 14:00:57 Robert T Morris
Deputy Director
Mountaineer Challenge Academy

No comment.

Kingwood WV

§126-38-5 Participation in Adult Education Program

2016- Robert T Morris
09-08 Deputy Director
14:00:57 Mountaineer ChalleNGe Academy No comment.
Kingwood WV

§126-38-6 Participation in Child Nutrition Program

2016- Robert T Morris
09-08 Deputy Director
14:00:57 Mountaineer ChalleNGe Academy No comment.
Kingwood WV

§126-38-7 Severability

2016- Robert T Morris
09-08 Deputy Director
14:00:57 Mountaineer ChalleNGe Academy No comment.
Kingwood WV