



WEST VIRGINIA SECRETARY OF STATE

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ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Education TITLE-SERIES: 126-030
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Transformative System of Support for Early Literacy (2512)
CITE STATUTORY AUTHORITY: and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 12, 2021

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Michele L Blatt -- 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.

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 legislative rule effectuates the provisions of W. Va. Code §18-2E-10, transformative system of support for early literacy (TSSEL).

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

1.3. Filing Date. -- June 9, 2021.

1.4. Effective Date. -- July 12, 2021.

1.5. Repeal of Former Rule. -- This rule amends W. Va. 126CSR30, Policy 2512, Transformative System of Support for Early Literacy (Policy 2512), filed October 9, 2014, and effective November 10, 2014.

§126-30-2. Purpose.

2.1. This policy establishes standards for county central office staff 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 pre-k 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 families in fulfilling their roles and responsibilities to serve as full partners in the success of their children. The blueprint for West Virginia's Campaign for Grade Level Reading includes the development of a comprehensive, systematic approach to close the reading achievement gap by third grade targeting school readiness, chronic absence, extended learning, and an intervention framework.

§126-30-3. Definitions.

3.1. Early Learning Reporting System (ELRS). A data reporting system based on the formative assessment process that allows pre-k through second grade educators the opportunity to gauge the extent to which students are working toward development of proficiency across standards.

3.2. Extended Learning. Learning that children experience outside of the traditional school day and can include before-school, after-school, and summer programming. Extended learning includes instructional support for students to ensure grade-level proficiency and to prevent summer learning loss.

3.3. School Readiness. Process of assuring that children have access to the best available resources prior to entering first grade. Available resources support children and their families and focus on maximizing children's holistic development from birth. Acknowledging that each child's development is significantly impacted by previous experiences, school readiness also entails the capacity of schools and

programs to welcome families and be prepared to serve all children effectively within the developmental domains of health and physical development, social and emotional development, language and communication, cognition and general knowledge, and individual approaches to learning.

3.4. Transformative System of Support for Early Literacy (TSSEL). The comprehensive approach to closing the reading achievement gap by the third grade. It is aligned to West Virginia's Campaign for Grade Level Reading and supports the whole child through efforts related to attendance, school readiness, extended learning, and high-quality instruction.

3.5. West Virginia Early Literacy Network of Support. Stakeholders dedicated to assisting counties in the implementation of a local transformative system of support. These stakeholders are responsible for communicating the requirements of Policy 2512 and providing professional learning to assist in reaching early literacy goals.

§126-30-4. General Responsibilities.

4.1. The West Virginia Board of Education (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:

4.1.a. implementation of the West Virginia Campaign for Grade Level Reading, a comprehensive, systematic approach to close the reading achievement gap by third grade, which targets school readiness, chronic absence, extended learning, and high-quality instruction to create a transformative intervention framework for student and learning supports;

4.1.b. ensuring all West Virginia children have access to high-quality early learning experiences that focus on physically and emotionally 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;

4.1.c. encouraging regular school attendance for children in the early grades in order to develop positive attendance habits and minimize chronic absences;

4.1.d. assisting county central office staff in establishing and operating targeted, sustained extended day and extended year literacy programs to ensure grade-level proficiency and prevent summer learning loss;

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

4.1.f. supporting high-quality schools and a workforce prepared to address early literacy, identification of early interventions, and implementation of a system of intervention for children below grade-level proficiency;

4.1.g. ensuring the employment of qualified teachers and service personnel in accordance with the provisions of W. Va. Code §18-5-39 and §18a-4-7c to provide instruction to students enrolled in early literacy support programs;

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

4.1.i. providing support for supervision, transportation, and provision of healthy foods for students required to attend extended learning programs for early literacy instructional support at the school accommodating the typical work schedules of families; and

4.1.j. receiving from county central office staff ~~any~~ applications and annual reports required by state policy.

4.2. The West Virginia Department of Education (WVDE) has the primary responsibility for providing leadership in:

4.2.a. developing guidance, processes, and protocol resources to support the design and delivery of a comprehensive TSSEL at the county level that includes:

4.2.a.1. definitions associated with, and an overview of the TSSEL, 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 West Virginia'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 targeted, sustained extended learning opportunities to provide students with ongoing support with early literacy development;

4.2.a.2. recommendations to assist counties in maximizing sources of funding, including but not limited to, Title I, Title II, Public Law 108-446, Individuals with Disabilities Education Improvement Act (IDEA), and 21st Century Community Learning Centers (21st CCLC) to support a TSSEL;

4.2.a.3. recommendations for increasing family engagement as part of the TSSEL;

4.2.a.4. support for the collection of data and reporting annually about early literacy intervention programs, including their implementation and outcomes;

4.2.a.5. guidance to support completion of required annual reports, as applicable, to be submitted to the WVBE, Legislature, and Governor; and

4.2.b. guidance to support the use of the ELRS based on the formative assessment process to gauge students' ongoing progress toward grade-level proficiency, including English language arts, that provides:

4.2.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 pre-k through third grade, as applicable per W. Va. 126CSR42, Policy 2510, Assuring the Quality of Education: Regulations for Education Programs;

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

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

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

4.3. Utilization of the West Virginia Early Literacy Network of Support is encouraged in the implementation of WVBE policy requirements at the county level through the following important responsibilities:

4.3.a. provide technical assistance to counties to assist with implementation of the TSSEL;

4.3.b. provide high-quality professional learning opportunities to support teachers, teacher assistants, and other county central office or school staff in the delivery of a comprehensive approach to early learning; and

4.3.c. facilitate coordination and cooperation among county central office staff and community partners in the design and delivery of ongoing support.

4.4. It is the responsibility of county central office staff to plan, deliver, and evaluate the implementation of a TSSEL in accordance with WVBE policy and WVDE guidance resources as defined in this policy. In carrying out this responsibility the county central office staff must address the following established processes that meet the requirements for a TSSEL:

4.4.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, systematic approach to a TSSEL, which includes components outlined in West Virginia's Campaign for Grade Level Reading and identified in section 4.1.a including:

4.4.a.1. development of a comprehensive, systematic approach to close the reading achievement gap by third grade, which targets school readiness, chronic absence, extended learning, and high-quality instruction to include a transformative intervention framework for student and learning supports;

4.4.a.2. ensuring all West Virginia children have access to high-quality early learning experiences that focus on physically and emotionally 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;

4.4.a.3. encouraging regular school attendance for children in the early grades in order to develop positive attendance habits and minimize chronic absences;

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

4.4.c. maximization of funding resources, which may include Title I, Title II, IDEA, and 21st CCLC funds to support instructional intervention in pre-k through third grade;

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4.4.c.1. county may determine how to implement a TSSEL by distributing funding and initiatives equally across early readiness grades (pre-k and kindergarten), primary grades (first and second grades), and third grade or by selecting specific grade levels for implementation based on needs;

4.4.d. employment of highly-qualified teachers and service personnel for the delivery of instruction and support;

4.4.e. family engagement programs supporting early literacy development;

4.4.f. 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 grade who qualify for the program. Counties may not charge tuition for enrollment in early literacy instructional support programs established pursuant to this section; and

4.4.g. support for supervision, transportation, and provision of healthy foods for students required to attend extended learning programs for early literacy at the school accommodating the typical work schedules of families.

4.5. A student who is recommended by the Student Assistance Team (SAT) 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:

4.5.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 SAT 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

4.5.b. the county central office staff has established an early literacy instructional support program during the extended year for the student's grade level.

4.5.c. Section 4.5 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 a student's Individualized Education Program (IEP).

§126-30-5. Severability.

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