

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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SEP 15 3 36 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; CITE AUTHORITY (See Attachment)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 11B, Policy 2001

TITLE OF RULE BEING PROPOSED: Learning at a High Level for all
Students

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON October 20, 1994 AT 5:00 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

William J. Luff, Jr.
Associate State Superintendent
West Virginia Department of Education

Capitol Complex; Building 6, Room B-360

1900 Kanawha Boulevard, East

Charleston, West Virginia 25305-0330

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Vicki A. Barone
Director, Legal Services

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

5.110

WEST VIRGINIA
SECRETARY OF STATE

Ken Hechler

ADMINISTRATIVE LAW DIVISION

Attachment to Form #2

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

Cite Authority: W.Va. Const., Article XII, Section 2; W.Va. Code
§§18-2-5, 18-2-6, 18-2-6b, 18-2-6d, 18-2-7, 18-2A-1, 18-2A-2,
18-2A-8, 18-2E-3, 18-2E-3a, 18-2F-1, 18-2F-2, 18-2-28, 18-2-29,
18-3-10, 18-3-11, 18-5-18, 18-5-18a, 18-5-18c, 18-5-19, 18-5-40,
18-6-1 through 18-6-10, 18-8-1, 18-9A-13b, 18-9A-22.

August 25, 1994

**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

POLICY NUMBER AND TITLE: Policy 2001
Learning at a High Level for all Students

PUBLIC COMMENT PERIOD ENDS: October 20, 1994 ADOPTED: _____

BACKGROUND:

Policy 2001 is the culmination of two years of deliberation and discussion by a committee representing all major client groups in education as to the future of education in West Virginia. Policy 2001 sets forth a vision for education in West Virginia, specifically, that all students can learn at a high level.

PURPOSE:

Policy 2001 requires that educational policies and practices be aligned to the vision so that the focus of schooling in West Virginia is a high level of learning for all students.

CONTENTS:

Policy 2001 proposes a system of education that ensures that students learn basic skills as the foundation for acquisition of the academic, technical and increased thinking skills needed for success. It would make time the variable and not the constant in student learning. Schools and school systems would become the focal point for change and improvement. Schools would be encouraged to restructure for better instruction for students using existing personnel and resources and the assistance of county staff. Instruction would be provided through programs of study and curriculum frameworks. Better instructional practices are encouraged as is decision making about instruction at the school level through increased use of faculty senates, local school improvement councils and curriculum teams. Accreditation and assessment would be aligned. Professional development and technical assistance would be provided for implementation of the policy.

IMPACT:

Policy 2001 would be the starting point for realigning policies and practices so that all students in West Virginia learn at a high level.

POLICY 2001

Learning at a High Level for all Students

We have a responsibility to set a vision for schools that will prepare our children for future success. Policy 2001 represents that vision and constructs a bridge to the future for West Virginia's school children. The vision in Policy 2001 reflects the best of the past and charts a course for the future. It recognizes that the world has changed and is changing at a rapid pace. A strong back, the willingness to work and a high school diploma were once the requirements to make a start in life. They are no longer. A well-developed mind, a passion to learn, and the ability to put knowledge to work are the new keys to the future of our young people, the success of businesses, and the economic well-being of the state.

Policy 2001 establishes the attainment of basic skills as the foundation for subsequent academic success and the key to unlocking the future for our children. Our children must be able to read, write, compute and be computer literate if they are to achieve academic and technical competence.

The vision contained in Policy 2001 is that all students in West Virginia will learn basic skills as the foundation for acquisition of the academic, technical and increased thinking skills needed for success. If children do not master basic skills, they face an uncertain and bleak future.

The West Virginia Board of Education believes highly skilled teachers using effective instructional practices to meet the individual needs of students to be the cornerstone of attaining the vision. Policy 2001 sets high expectations and requirements for the quality of teaching and the delivery of instructional practices in the classroom. The policy focuses responsibility for student success upon county school systems and individual schools, and requires schools to develop a partnership approach among students, teachers, parents, administrators, businesses, labor and the community. The policy also provides school systems and schools with flexibility to organize curriculum and instruction to best meet the needs of their students.

Policy 2001 is West Virginia's commitment to preparing students for a future that requires using knowledge as the basis for success. Its implementation will require visionary leadership at the state and local levels and a spirit of teamwork and collaboration. Our obligation is to provide schools where all children are expected to learn at a high level, become contributing members of a democratic society, and lead responsible, productive lives.

**TITLE 126
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION
Chapter 18-2**

**Policy 2001
Series 11B**

TITLE: Learning at a High Level for all Students

SECTION 1.0 General

- 1.1 Scope - This legislative rule establishes a basis for learning at a high level by all students in West Virginia.

- 1.2 Authority - The authority for this legislative rule is established in the West Virginia Constitution, Article XII, Section 2, and in West Virginia Code §§18-2-5, 18-2-6, 18-2-6b, 18-2-6d, 18-2-7, 18-2A-1, 18-2A-2, 18-2A-8, 18-2E-3, 18-2E-3a, 18-2F-1, 18-2F-2, 18-2-28, 18-2-29, 18-3-10, 18-3-11, 18-5-18, 18-5-18a, 18-5-18c, 18-5-19, 18-5-40, 18-6-1 through 18-6-10, 18-8-1, 18-9A-13b, 18-9A-22.

- 1.3 Filing Date -

- 1.4 Effective Date -

- 1.5 Amendments -

SECTION 2.0 Curriculum and Instruction

2.1 Introduction

The West Virginia Board of Education hereby establishes a system of education to ensure that the instruction provided to all students in West Virginia enables them to learn basic skills as the foundation for acquisition of the academic, technical and increased thinking skills needed for success.

This system of education places a premium on curriculum and instructional practices that recognize that students develop at different rates and learn in different ways. Such a system requires that students succeed from the day they begin school. This, in turn, requires that schools restructure themselves, if necessary, so that student success becomes the measure of school effectiveness.

This system of education does not minimize the contribution to be made by any program of study. Rather, it requires that they be inter-related and focused on student success in acquiring the skills needed for satisfactory learning performance.

This system of education requires that time spent learning by students becomes a variable, not the absolute end, in the learning process. Schools and school systems should, without lowering expectations for some students, and without reducing advanced academic opportunities for other students, provide flexibility in the scheduling of instruction for students who learn at different rates.

Students, families and citizens can expect that such a system of education will provide students with:

- knowledge of the basic skills
- continued academic growth based on knowledge of the basic skills
- increased thinking skills arising from academic growth
- the level of academic and technical knowledge needed for the workplace or for further education

Concretely, this system of education seeks to accomplish the following:

- students will, for each year in school, make measurable progress in basic skills knowledge and/or academic growth and/or technical knowledge; specifically, students at the elementary level will achieve at grade level in the basic skills of reading, writing, mathematics and be literate in the use of computers.
- students will complete high school with an a minimum achievement level of at least the 50th percentile on a selected standardized achievement measure for the certificate of proficiency and receipt of the warranty.

2.2 Programs of Study

Programs of study are the subject matter that will be taught in the public schools in West Virginia.

The programs of study are:

- English language arts: reading, writing, speaking, listening, spelling, handwriting and viewing. Viewing includes media literacy in the areas of television, film, and computer technology.
- Mathematics and science: with an emphasis on experiential

learning, to include quantitative reasoning, problem solving, scientific literacy, technology, the use and comprehension of data, and computer literacy.

- Social studies/humanities, to include citizenship, American, world and West Virginia history, civics, economics, and geography, as well as service to others, respect for work and the responsibilities of democracy.
- The arts: dance, music, theatre and visual arts, to provide an understanding and appreciation of the art forms and their role in cultural heritage; and to develop an ability to express one's own concepts in an art form.
- Wellness: health, physical education, to include a comprehensive approach combining physical fitness and general health information, substance abuse education, and AIDS education.
- Foreign languages, to include speaking, listening, writing, reading, and literature in the foreign language; to aid in students' use of English; and to aid in their knowledge and understanding of other cultures.
- Technical studies, to include an understanding of the role of technology, especially computers, in society, the ability to apply technology in the completion of tasks within specific occupational areas, and the development of technical competence at levels needed for daily independent living (e.g., home economics), entering the workplace and continuing education.

County boards of education will design programs of study based on the curriculum frameworks outlined in Section 2.3 so that the end result of the inter-relationship of the programs of study is that students acquire basic skills in reading, writing, mathematics and computer literacy as a foundation for further academic success and the acquisition of increased thinking skills. The arts, along with the other programs of study, should be considered essential to the development of basic skills and can provide the opportunity for students to develop creative thinking skills.

Schools may, in implementing programs of study, exceed the requirements of county board designed programs of study. Schools must utilize flexibility in scheduling and instruction so that students who complete the programs of study will have met the instructional goals and not simply have completed a certain number of minutes in specific courses.

West Virginia Board of Education Policy 2510, Assuring the Quality of Education: Regulations for General, Vocational and Special Education Programs, remains in effect. The Board will, however, review that policy to make certain that all students in West Virginia have access to the full range of programs of study necessary for acquisition of the basic skills, academic growth, and technical proficiency, and to make certain that county boards of education, in designing programs of study, and schools, in implementing programs of study, have flexibility to meet the unique needs of the students they serve.

It is necessary to specify the ways in which the programs of study will be individualized for students who require an Individualized Education Program (IEP).

2.3 Curriculum Frameworks

Curriculum frameworks are those policies, adopted by the West Virginia Board of Education, that outline the nature of the curriculum to be offered and list the instructional goals and objectives for each of the programs of study.

These curriculum frameworks have been and will be developed using the knowledge and expertise of parents, teachers, principals, curriculum specialists, superintendents and board members in West Virginia. The recommendations and practices of other states and of national boards and associations will also be considered as the curriculum frameworks are developed and/or revised.

West Virginia Board of Education Policy 2520, The Criteria of Excellence: Instructional Goals and Objectives, remains in effect. The Board will revise Policy 2520 and the current instructional goals and objectives for the various programs of study so that they provide clearly defined and easily understood outlines (frameworks) for the development of county board of education programs of study.

2.4 Instruction

County school systems and individual schools will be expected to revise or enhance their instructional practices so that learning at a high level for all students becomes the norm in West Virginia.

Teachers must exercise professional judgment to tailor instructional practices to meet the needs of students. These practices should include, but are not limited to:

- Demonstrating an emphasis on learning, classroom organization and management skills, questioning techniques, student research,

and communication skills to meet the needs of individual learners.

- Emphasizing reading, writing, speaking, listening, spelling, handwriting and viewing in all subjects and computer literacy.
- Using organizational strategies such as teach/reteach to ensure attainment of basic skills.
- Making computers and other technologies available to provide opportunities for instruction, both individually and within groups.
- Selecting and using multiple types of instructional materials and educational technologies, including original sources and/or handbooks. Reading comprehension in selection and use of instructional materials remains key.
- Providing variations in time, materials, settings, and instructional methods for each student.

2.5 Articulation

Students progress through school with needs that differ with age and maturity.

It is the intent of this policy that the education process for West Virginia students be a seamless one. There are, however, certain levels in a student's learning process that suggest differing needs, especially for instructional purposes.

These differing needs must be addressed so that students acquire the basic skills necessary for academic success at each level. It is crucial that students learn the basic skills of reading, writing, mathematics and computer literacy prior to the completion of grade four.

It is also imperative that counties and schools, in delivering the programs of study, provide adequate communication and planning by staff as students move from level to level and from school to school.

2.6 Technology

Delivery of the programs of study and the acquisition of basic skills leading to advanced academic and technical knowledge can be significantly enhanced through the use of available and emerging technologies.

County boards of education and schools are strongly encouraged to use and to provide access to these technologies for all teachers and

students. The West Virginia Board of Education will provide continued leadership in the educational applications of technology.

2.7 Graduation Requirements

The requirements of Policy 2444.01, Graduation Requirements for West Virginia Public Schools: Adolescent Education (Grades 9-12), remain in effect until modified by the West Virginia Board of Education.

The Board will review the time requirements associated with current North Central accrediting regulations with the intent of making time the variable and not the constant in student learning in West Virginia.

With time as the variable, some students may finish high school in three years, some in five or more years. It is more important that students learn at a high level than that they spend a fixed amount of time in school.

2.8 Certificates of Proficiency and Warranty

The use of certificates of proficiency and the provision of warranties are methods by which schools assure families, employers, and post-secondary educational institutions that students have achieved a certain level of proficiency ~~of at least the 50th percentile~~ on a standardized achievement test.

Schools are to award a warranty as a guarantee to employers and post-secondary educational institutions that the graduate is capable of accomplishing tasks at or above the level listed on the certificate of proficiency. If employers or educational institutions determine that the graduate who has received a warranty certificate of proficiency does not perform at the stated level of proficiency, that graduate may return to the graduating school at no cost to receive additional schooling in the area(s) lacking proficiency. The warranty is in effect for five years after a student's graduation.

County school systems must establish the proficiency level for issuance of the warranty at a minimum level of the 50th percentile on a standardized achievement measure selected by the West Virginia Board of Education. This means that the student will have achieved a score on a nationally normed test at a level equal to or higher than the average student nationally. Students may graduate without receiving a certificate of proficiency. In such case, the student may enroll in adult classes or the high school or wherever in order to prepare to write the proficiency test again. The student may write the proficiency test as needed in order to demonstrate competency.

Levels of proficiency for identified exceptional students may be determined by the Individualized Education Program (IEP) Committee and included in the student's IEP. In such cases where the students are employed they are at the discretion of the employer.

SECTION 3.0 School Responsibility and Accountability

3.1 Introduction

The West Virginia Board of Education determines that schools and school systems must be the key unit of change for the successful implementation of this policy. Further, the Board recognizes that many persons are responsible for effecting the changes needed in the public schools. Thus, the education of children in West Virginia must be a shared responsibility among the entire school community, particularly parents through their personal and/or organized involvement and support of schools and interest expressed in the education of their children.

3.2 Responsibility of the Local School and School System

The ultimate responsibility for providing successful learning experiences for each student rests with each county system and school. To effectively carry out this responsibility requires the commitment and involvement of board members, teachers and administrators through curriculum teams, local school improvement councils, and faculty senates. Staff involvement must also be accompanied by the involvement of students, families, businesses, labor and the community served by the school.

Therefore, the personnel of each school, in concert with school system personnel, and with the assistance and involvement of students, families, businesses, labor and the community, shall:

- Review and revise the school curriculum based on the programs of study and curriculum frameworks so that learning experiences are developed and delivered in a manner that ensures a high level of learning for all students.
- Establish and maintain a school climate that ensures excellence in teaching and learning and that maintains high expectations for student performance.
- Promote proficiency in the basic skills and computer literacy as the prerequisite for learning at a high level.
- Evaluate and modify, if necessary, the school organizational

structure to facilitate a high level of student learning.

- Monitor programs, personnel, student performance, and use of resources and then utilize the results of such monitoring to improve student learning.

3.3 School Organization and Decision-Making

Schools must create and utilize methods for organizing time, personnel, and resources for the benefit of students. Each school, within the context of this policy, shall organize itself in a manner that will result in success for the particular students in that school.

3.4 County Boards of Education

To encourage further restructuring, the West Virginia Board of Education and county boards of education will continue to identify and implement supportive policies and practices. Such initiatives will ensure that as many decisions as possible regarding the operation of the school are made at the school system and school level.

3.5 School Accountability

The West Virginia Board of Education will revise Policy 2320, Performance Based Accreditation System: High Quality Standards, Annual Performance Measures, Annual Improvement Plan, On-Site Review, so that the two most critical components of the accreditation review process are (1) access for all students to the full range of the programs of study and (2) curricular and instructional revisions and practices that ensure that all students will learn at a high level. The Board will, in addition, explore methods for recognizing and rewarding county school systems and schools that significantly increase learning opportunities and student learning.

SECTION 4.0 Personnel

4.1 Introduction

Effective change occurs when those charged with implementing the change have ownership of the change. For this reason, educational personnel in schools and school systems must have the major role in deciding what those changes will be and how they will be implemented. To effect change and to assist staff in making sound decisions, priority must be given to staff development.

4.2 Evaluation

Evaluation of professional personnel will be assured through the processes set forth in Policy 5310, Performance Evaluation of School Personnel.

4.3 Decision-Making

The West Virginia Board of Education strongly encourages greater use of faculty senates, local school improvement councils, parents and curriculum teams as vehicles for making learning at a high level a reality for all West Virginia students. Each of these has a unique role in the change process at the school level, and each can make substantial contributions toward restructuring the school to meet the unique learning needs of the students served.

Decisions will need to be based on current student data and research on successful instructional practices. Processes will be developed at each school that integrate student data, research on best practices, and student assessment data into sound curriculum and instructional decisions.

4.4 Professional Development

Restructuring of schools for improved instruction and learning will require a substantial investment in professional development for personnel serving the schools. County school systems and schools are urged to seek creative means of providing time for such professional development. The West Virginia Board of Education will expand the professional development activities it provides and will work to increase the quantity and quality of professional development for all personnel.

4.5 Teacher Certification/Teacher Education

The West Virginia Board of Education will revise Policies 5202, Minimum Requirements for the Licensure of Educational Personnel, and Advanced Salary Classifications, and 5100, Approval of Educational Personnel Programs so they complement the provisions of this policy and provide flexibility for county school systems in the preparation, recruitment and retention of teachers and administrators.

SECTION 5.0 Accountability

5.1 Introduction

The development of collective accountability is a necessary part of improving education in West Virginia. Ultimately, the entire community, including students, families, educators, business, labor

and lay citizens, is accountable for the graduates of the educational system who will be confident, literate, technologically and academically competent, and life-long learners.

The process of education must also be held to standards of accountability to ensure that the methods used to educate students are effective, efficient, legal, in accordance with best practices and mindful of the health and safety of students.

5.2 Performance Based Accreditation System

Schools and school systems shall be held accountable through the Performance Based Accreditation System established by the Legislature (Code §18-2E-5) and Policy 2320: Performance Based Accreditation System: High Quality Standards, Annual Performance Measures, Annual Improvement Plan, On-Site Review, which will be revised to reflect the provisions of this policy.

Norm-referenced testing shall be used at the state level to provide data about school, county and state performance. The information developed from these assessments shall be used as a measure of program effectiveness.

Norm-reference testing shall be administered to all students at the 3rd, 6th, 9th, and 11th levels.

Accountability for the process of education shall occur through monitoring of compliance with standards or regulations that include legal issues such as due process rights, federal standards reviews, budget reviews, health and safety mandates, and similar procedural requirements.

5.3 Assessment

Accountability for individual student performance will be based upon assessment using a variety of observations and measurements that have appropriate validity and reliability.

The assessment program shall include both criterion and norm-referenced measurements. The purpose of the testing program shall be to identify student strengths and areas needing improvement, as well as to provide data for determining program effectiveness and for making sound educational decisions.

Criterion-referenced testing (WV-STEP) shall be used to provide information to enable educators to match instruction to individual student needs.

The writing assessment will continue.

5.4 Information Management System

The West Virginia Education Information System (WVEIS) is an accountability tool that permits efficient data storage, retrieval, and analysis for enhanced decision making at all levels. The WVEIS shall be used to provide data for informed decision making at the school, county and state levels.

The data bases in WVEIS will permit analysis of and inter-relationships among student demographic data, student scheduling, student attendance, student grading, financial management, employee management, human resources management, and other areas. Confidentiality of student records shall be maintained.

SECTION 6.0 Implementation

6.1 County Boards of Education

County boards of education shall ensure implementation of this policy in a method that enables schools to organize themselves in a manner that will ensure a high level of learning for all students.

6.2 West Virginia Board of Education

The West Virginia Board of Education recognizes the need for, and shall provide, substantial and appropriate professional development experiences to implement this policy.

6.3 West Virginia Department of Education

The West Virginia Department of Education shall also provide, on a consistent and equitable basis, technical assistance to support county school systems and schools in implementing this policy.

RESPONSE FORM
POLICY 2001: LEARNING AT A HIGH LEVEL FOR ALL STUDENTS

Directions: Please use this form to comment on proposed Policy 2001: Learning at a High Level for all Students

Individual/Organization: _____

Address: _____

General Comments:

Comments for Section 1.0

Comments for Section 2.0

Comments for Section 3.0

RESPONSE FORM - Page Two
Policy 2001: Learning at a High Level for all Students

Comments for Section 4.0

Comments for Section 5.0

Comments for Section 6.0

RETURN BY OCTOBER 20, 1994 to:

William J. Luff, Jr.
Associate State Superintendent
West Virginia Department of Education
Capitol Complex, Building 6, Room B-360
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

FISCAL NOTE WORKSHEET

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

POLICY 2001

SUBJECT LEARNING AT A HIGH LEVEL FOR ALL STUDENTS FUND _____

SOURCE OF REVENUE: GENERAL SPECIAL OTHER (SPECIFY) _____

COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$	\$550,000	\$275,000
PERSONAL SERVICES	\$	\$			
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$		
3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):					

Substantial professional development would be needed for all members of the educational community. Estimated cost for providing this training would be \$550,000 for the 94-95 fiscal year and \$275,000 for each of the next two fiscal years over and above funds which would normally be available in the Department's budget.

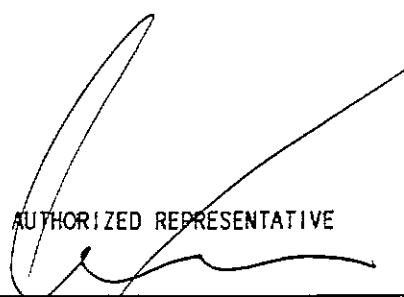
IMPACTS
FISCAL:

STATE STAFF:

DATE April 7, 1994 AGENCY West Virginia Department of Education

3157b/113b

AUTHORIZED REPRESENTATIVE


William J. Luff, Jr.
Associate State Superintendent