

WEST VIRGINIA  
SECRETARY OF STATE

JOE MANCHIN III

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

FILED

2001 DEC 17 P 3:44

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W. Va. Constitution, Article XII, §2, W.Va. Code §§18-2E-1, 18-2E-1a, 18-2E-2, 18-2-5, 18-2E-8(c)(1), and 18A-3-6.

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE X

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).

AMENDMENT TO AN EXISTING RULE: YES X NO \_\_\_\_\_

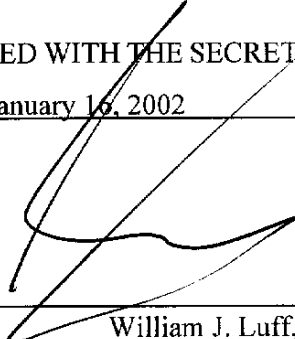
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 14

TITLE OF RULE BEING AMENDED: The Statewide Assessment Program (2340)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS January 16, 2002.

  
\_\_\_\_\_  
William J. Luff, Jr.  
Deputy State Superintendent of Schools

\$8.00

**EXECUTIVE SUMMARY**  
**THE STATEWIDE ASSESSMENT PROGRAM (2340)**

**Background**

The regulations set forth in Policy 2340 were last revised in December, 1996. These regulations will be effective from Fall 2001 through Spring 2003. West Virginia Constitution, Article XII, §2; W.Va. Code §§18-2-5 and 18-2E-8(c)(1) and the West Virginia Board of Education establish the authority for these regulations.

**Proposed Changes**

§126-14-3. Changed to a definitions section

§126-14-4. New section: Program regulations that are effective from January 2002 through spring 2003

- 4.4: Accommodation, modifications and alternate assessment (as per IDEA 97 and Title I requirements)
- 4.9: Home instructed students
- 4.10: Home bound students
- 4.11: Alternative education students (Policy 2418)
- 4.12: Local assessment requirements (Policy 2510)
- 4.13 Appeal Process (Other states are utilizing a process of appeal with regard to test results)

§126-14-5. New Section: Administration regulations are placed in the administrative section of policy.

§126-14-6. New Section: Reporting regulations are segregated into a section expanded to address state and federal reporting requirements.

- 6.4. Disaggregation of data by group reports as required by Title I
  - 6.4.1 Reports must be consistent with the Family Educational Rights and Privacy Act confidentiality guidelines

§126-14-7. New Section: Security regulations segregated into a section and expanded to include 7.1 (current county test coordinator security agreement guidelines) and 7.2 (school principal security agreement guidelines)

- 7.6 Investigation procedures that address the protection of the integrity of the data.

§126-14-8. New Section: Assessment Revision Plan for 2003-2004 school year  
This section outlines the new statewide assessment program that was approved in the August 2001 by the West Virginia Board of Education, effective for the 2003-2004 school year.

Please note that public comment requested that a combination mathematics test of tenth grade skills be added to the Assessment Revision Plan in 8.3.1

**Impact**

This policy creates an acceptable transition policy that will 1) comply with state guidelines 2) comply with the IDEA 97 and Title I federal guidelines for continued federal funding, and 3) maintain a quality statewide assessment program during the interim period while the newly approved 2003-2004 assessment program is designed, developed and implemented.

**Action Requested**

Comments were received by seven people. There were no major changes in the actual transition policy; however, the section that defines the new assessment program was changed to include a combination mathematics test of tenth grade skills. Therefore, the West Virginia Department of Education respectfully requests that Policy 2340, with the attached changes, be adopted as a transition policy until 2003-2004.

126CSR14

FILED

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

2001 DEC 17 P 3:44

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

SERIES 14  
THE STATEWIDE ASSESSMENT PROGRAM (2340)

**§126-14-1. General.**

1.1. Scope -This policy establishes rules governing the administration and operation of the Statewide Assessment Program.

1.2. Authority - West Virginia Constitution, Article XII, §2; W.Va. Code §§18-2E-1, 18-2E-1a, 18-2E-2, 18-2-5, 18-2E-8(c)(1), and 18A-3-6.

1.3. Filing Date - December 17, 2001

1.4. Effective Date - January 16, 2002

1.4.1. Unless specified otherwise within the policy.

1.5. Amendment of former rule. This rule repeals and replaces 126CSR14 (Policy 2340) last revised December 1996.

**§126-14-2. Purpose.**

2.1. The purpose of this policy is to provide an operational framework to administer an effective and efficient statewide assessment program, provide procedures to protect the integrity of test data, and support the use of assessment data to improve instruction.

**§126-14-3. Definitions.**

3.1. Accommodations. A change made in the test administration so that the assessment is a reflection of the student's knowledge and skill rather than his or her disability or language limitations.

3.1.1. Special education and Section 504 Plan accommodations to the statewide assessment standardization procedures include large print or Brailled tests, help with bubbling in answer sheets, having an interpreter sign, and small group one-on-one directions, or separate administration under standard conditions.

## 126CSR14

3.1.2. Limited English Proficiency accommodations with the statewide assessment standardization procedures include bilingual dictionary, electronic translator, small group administration, separate room administration, one-on-one administration, and administration in several sessions.

3.2. Criterion referenced tests (CRTs). Tests based on what the students are taught. CRTs are designed to measure how much specific knowledge the student has learned from instruction.

3.3. Homebound students. Those students who have been assigned by the county to receive instruction in the home environment due to medical reasons.

3.4. Home instructed students. Those children not enrolled in the county school system who are instructed by person or persons providing home instruction.

3.5. Individualized Education Plan (IEP). A written plan for an eligible exceptional student that is developed, reviewed and revised in a meeting by educators, parents and related service personnel (Policy 2419).

3.6. Limited English Proficiency (LEP), when used with reference to individuals, means (a) individuals who were not born in the United States or whose native language is a language other than English; (b) individuals who come from environments where a language other than English is dominant; and (c) individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English.

3.7. Modifications. Changes that alter the administration condition of the assessment to the extent that the nature of the assessment is changed.

3.7.1. Special education and Section 504 Plan modifications to the statewide assessment standardization procedures for special education and Section 504 Plan students include extended time, having the test or parts of the test read to the student, allowing breaks between sections of the subtests, and use of a calculator or abacus on mathematics tests where calculators are not routinely used.

## 126CSR14

3.7.2. LEP modifications with the statewide assessment standardization procedures include modification of linguistic complexity, test changes in vocabulary, addition of visual supports, use of dictionaries in English, use of language translator, glossary of key terms/word bank, linguistic modification of test directions, additional example items/tasks, participation in selected subtests, extra assessment time, breaks during testing, and reading aloud of questions in English.

3.8. Norm referenced tests (NRTs). Tests that compare the scores of each student to those of students in a norm group. NRTs show how well a student or group of students rank compared with an average determined by the norm group.

3.9. Section 504 Plan. A Section 504 Plan is a written plan describing the accommodation to be provided by regular education staff in regular education programs that address alternative ways for a student to demonstrate mastery (Office of Civil Rights).

3.10. Standard Conditions. The procedures followed during the administration of a specific assessment. Results from assessments administered under standard conditions may be compared by school, county or state levels.

### **§126-14- 4. Program Regulations that are effective from 2001 through Spring 2003.**

4.1. All students listed on a teacher's register in grades one through eleven shall be included in the norm-referenced component of the Statewide Assessment Program to be administered in the spring of each year.

4.2. Students with disabilities, Kindergarten to age 21, shall participate in all components of the West Virginia Statewide Assessment Program as determined by their Individualized Education Program (IEP) Team or Section 504 Committee unless they meet the participation criteria for the West Virginia Alternate Assessment.

4.3. The norm-referenced component of the Statewide Assessment Program will assess the content areas of reading, language, spelling, study skills, mathematics, science, and social sciences at grades 3 through 11. Areas assessed at grades 1 and 2 are reading, math, language and listening. Listening will also be tested in grades 3 through 8. Students with disabilities, except those participating in the West Virginia Alternate Assessment, will be assessed on the norm-referenced assessment under one of the following conditions: standard conditions; standard conditions with accommodations; or nonstandard conditions with modifications as specified by their IEP or Section 504 Plan.

## 126CSR14

4.4. All LEP students will participate in the West Virginia Statewide Assessment Program. The LEP committee will determine the appropriate participation of the LEP student under one of the following conditions: standard conditions or standard conditions with accommodations or nonstandard conditions with modifications.

4.5. All students, except those participating in the West Virginia Alternate Assessment, listed on a teacher's register as part of the 4th, 7th and 10th grade enrollments, shall be included in the Writing Assessment component of the Statewide Assessment Program in the spring of each year.

4.6. All students, except those participating in the West Virginia Alternate Assessment, listed on a teacher's register as a part of Kindergarten enrollments, shall be included in the Metropolitan Readiness Test component of the Statewide Assessment Program. The Metropolitan Readiness Test will be used to assess student progress and identify individual instructional needs.

4.7. All students, except those participating in the West Virginia Alternate Assessment, listed on a teacher's register as a part of 8th grade enrollment, shall be included in the American College Testing (ACT) EXPLORE assessment component of the Statewide Assessment Program that will be administered in the fall of each year.

4.8. The National Assessment of Educational Progress (NAEP) component of the Statewide Assessment Program will test a random sample of students and schools at grades 4, 8, and 12. The subject(s) of this test will be determined by the NAEP. The NAEP reports only state, regional, and national data. All students, except those participating in the West Virginia Alternate Assessment, will be placed on the school roster for a random sample process for the NAEP.

4.9. Home instructed students may participate in the statewide assessment program administered in the public schools of the county in which they reside, provided that the home instructor shall notify the county test coordinator at least one month prior to the testing window of the intention to participate. Home instructed students will be assigned: 1) a location for testing with an approved educator who has received training as a test administrator and has signed the test security agreement, and 2) a test date by the county test coordinator. All educators and students participating in the Statewide Assessment Program shall be required to follow all testing guidelines and procedures.

## 126CSR14

4.10. All homebound students, except for those participating in the West Virginia Alternate Assessment, are to be assessed at the school or an alternate testing site provided an approved educator who has received training as a test administrator and signed the test security agreement. Homebound students participating in the West Virginia Alternate Assessment will be assessed during their scheduled instruction. All participating educators and students are required to follow the statewide testing guidelines and procedures.

4.11. All students enrolled in alternative education programs, except those participating in the West Virginia Alternate Assessment, shall participate in the Statewide Assessment Program. The test scores for these students shall be counted in the results of the home county/school of referral (Policy 2418).

4.12. Each county board of education shall establish a system to monitor and assess pupil performance related to the content standards of the school education program and a continuous system of program assessment, program improvement, and accreditation (Policy 2510) which focuses on improved student achievement.

4.13. The West Virginia Board of Education will provide an appeal process for disputes over test data of the norm-referenced assessment and the Writing Assessment. This appeal process shall be available to the county superintendent.

4.13.1. The appeal process will allow the county superintendent to submit written concerns about the accuracy of county/school data to the state superintendent and request that corrections be made. County superintendents have until June 15 for norm referenced assessment adjustments and until October 15 for the Writing Assessment adjustments to submit their requests for changes.

4.13.2. All county test coordinators must be fully informed of the necessity to complete student data forms correctly and inform the test administrators of the necessity to complete the student data forms correctly. After the deadlines stated in 4.13.1, no appeals to change school, county, or state results will be accepted.

### **§126-14-5. Administration Regulations.**

5.1. All testing (regular and make-up) must be completed during the designated testing window. A determined and reasonable effort shall be made to administer a make-up test to those students not tested during the regular test administration.

## 126CSR14

5.2. The West Virginia Alternate Assessment is an ongoing instructional and assessment process that requires the collection throughout the school year of data and other information on a student's performance on selected content standards and objectives and the periodic documentation of the student's performance in a Datafolio.

5.3. Teachers will administer but are not required to grade any portion of the state assessment instruments in grades Kindergarten through age 21 except:

5.3.1. those teachers who are trained to evaluate the Writing Assessment,

5.3.2. kindergarten teachers who will score the Metropolitan Readiness Test,  
and

5.3.3. teachers of students with disabilities who will rate their students' performances on the selected content standards and objectives for West Virginia Schools for the West Virginia Alternate Assessment.

5.4. The testing program shall be managed by a county test coordinator who has been provided training in administering the test instruments used in this program. County test coordinators shall provide training to all educators who administer the tests.

5.4.1. Counties shall provide staff development programs in test administration, interpretation and use for all appropriate central office and school building level professional staff.

5.4.2. The county test coordinator in each county shall develop an outline or overview regarding the administration and use of the Statewide Assessment Program test results.

5.4.3. Practice tests, alternate forms, test improvement programs, juried lesson plans, and technology may be administered to improve student achievement.

### **§126-14-6. Reporting Regulations.**

6.1. All students and parents of students who participate in the Statewide Assessment Program shall be informed of the individual student assessment results, with the exception of NAEP results, which are not available for individual students, and shall be provided the opportunity for explanation and interpretation of those results by trained professional staff at the schools.

## 126CSR14

6.2. All teachers shall be provided assessment data for the students in their schools and/or classrooms for the areas of instruction for which they are responsible in order to provide instructional interventions for students. Other professional staff in the school are to access the test results for individuals and/or groups of students solely for the purpose of instructional planning.

6.3. The West Virginia Department of Education may release school, county, and state results of the statewide assessments. The West Virginia Department of Education will release to the public only those records that are not identifiable to a student or small group of students and are not integral to the testing process. Neither test materials nor specific test items will be released to any non-school party.

6.4. The West Virginia Department of Education is required to release grade, school, and state disaggregated group reports by LEP, race/ethnicity, gender, free/reduced lunch, migrant, and special needs.

6.4.1. Reports will not be provided at any grade level with a student population less than 10 because of the student confidentiality guidelines set forth by the Family Educational Rights and Privacy Act of 1974 (P.L. 98-380).

### **§126-14-7. Security Regulations.**

7.1. The county test coordinator shall acknowledge that the Stanford Achievement Test, Ninth Edition, is a secure test by reviewing, signing and returning the *West Virginia Department of Education Test Security Procedures Agreement* for the county test coordinator to the West Virginia Department of Education by the date established by the Office of Student Services and Assessment.

7.1.1. Test booklets shall be used only in conjunction with the Statewide Assessment Program. Use of test booklets, copies of the booklets or excerpts from the test booklets, apart from the scheduled test administration to students, is inappropriate and unethical. Violation may result in severe penalties including revocation of professional license.

7.1.2. Test booklets shall be stored in a secure, central location by the county test coordinator consistent with test security procedures outlined in the Testing Code of Ethics which is distributed to all county test coordinators and superintendents.

## 126CSR14

7.2. The school principal shall acknowledge the Stanford Achievement Test, Ninth Edition, is a secure test by reviewing, signing and returning the *West Virginia Department of Education Test Security Procedures Agreement* for the School Principal to the county by the date established by the county test coordinator. This agreement must be on file with the county test coordinator before any test administration material will be released to the school.

7.2.1. Test booklets shall be used only in conjunction with the Statewide Assessment Program. Use of test booklets, copies of the booklets or excerpts from the test booklets, apart from the scheduled test administration to students, is inappropriate and unethical. Violation may result in severe penalties including revocation of professional license.

7.2.2. Test booklets shall be stored in a secure, central location in the schools consistent with test security procedures outlined in the Testing Code of Ethics which is distributed to all county test coordinators and superintendents.

7.2.3. All student test data will be kept in files that can be locked. Student test data will be maintained under conditions consistent with the requirements of the Family Educational Rights and Privacy Act of 1974 (P.L. 98-380).

7.3. The Testing Code of Ethics is followed by all administrators of any assessment.

7.4. The West Virginia Department of Education will routinely review county, school and classroom test data reports to identify irregularities in testing security procedures, modifications of test answer sheets, or other unethical practices. These procedures are outlined in the County Test Coordinator and School Principal Security Agreements, and the Testing Code of Ethics provided to all county test coordinators, superintendents, principals and teachers.

7.5. The West Virginia Department of Education requires that any violation of the West Virginia Department of Education's Security Agreement or Testing Code of Ethics be reported to the county superintendent, county testing coordinator and the state superintendent of schools.

7.6. The county superintendent will be required by the state superintendent to either conduct an investigation of the suspected irregularity or to cooperate with the Department of Education in an investigation.

## 126CSR14

7.6.1. The investigation shall determine the appropriate disciplinary action of individuals involved in the irregularity. These include: dismissal of allegations; verbal reprimand; written reprimand; or, with the approval of the county board, suspension or dismissal. The county superintendent shall submit a full written report of the findings and recommendations regarding all irregularities and/or investigations to the state superintendent of schools along with all available documentation. Any disciplinary action taken by the county superintendent or county board shall be included in the employee's personnel file.

### **§126-14-8. Assessment Revision Plan for 2003-2004 School Year.**

8.1. This section outlines the new Statewide Assessment Program that was approved by the West Virginia Board of Education in August, 2001, effective for the 2003-2004 school year.

8.1.1. An "informal item bank" of Criterion-Referenced Tests (CRT) and Norm-Referenced Tests (NRT) test questions will be purchased by the West Virginia Department of Education in the four core areas (reading/language, math, science, social studies) in Kindergarten through grade 12.

a. This informal item bank may be used by teachers to assess student progress in meeting the content standards on an ongoing basis; its use will not be required.

b. The informal item bank may also contain links to other sites with lessons on the content standards.

c. Each year, 20% of the test items will be released into the informal item bank.

d. The informal item bank will be created as quickly as possible.

e. The informal item bank may be distributed via compact disk.

8.2. The following shall be the assessment(s) utilized beginning with the 2003-2004 school year:

8.2.1. Grades Kindergarten through grade 2: no formal testing

8.2.2. Grade 3: CRT/NRT in 4 core areas

8.2.3. Grade 4: CRT/NRT in 4 core areas, writing assessment, NAEP

## 126CSR14

8.2.4. Grade 5: CRT/NRT in 4 core areas

8.2.5. Grade 6: CRT/NRT in 4 core areas

8.2.6. Grade 7: CRT/NRT in 4 core areas, writing assessment

8.2.7. Grade 8: CRT/NRT in 4 core areas; ACT Explore, NAEP

8.2.8. Grade 9: end-of-course exams in English 9, CATS 9, US History to 1900, and either Algebra I, Geometry or Algebra II (whichever taken).

8.2.9. Grade 10: end-of-course exams in English 10, CATS 10, World History to 1900, and either Algebra I, Geometry or Algebra II (whichever taken) or a combination mathematics test of tenth grade skills; writing assessment; ACT Plan.

8.2.10. Grade 11: end-of-course exams in English 11, 20th/21st Century Studies, either Algebra I, Geometry or Algebra II (whichever is taken).

8.2.11. Grade 12: end-of-course exam in English 12; an exam similar to that used in High Schools That Work which currently covers reading, math, and science; NAEP.

8.3. The West Virginia Alternate Assessment must be used in all grades for those students with severe disabilities who cannot be assessed under standard conditions or standard conditions with modifications.

**THE NEW WEST VIRGINIA COMPREHENSIVE ASSESSMENT  
PROGRAM PROPOSAL  
FOR  
SCHOOL YEAR 2003-2004**

Grade	Informal Item Bank Only	NRT/CRT at Grades 3-8 (X) End-of-Course Exams at Grades 9-11 (✦)				Twelfth Grade Assessment	Writing Assessment
		R/LA	M	S	SS		
K	■						
1	■						
2	■						
3	■	X	X	X	X		
4	■	X	X	X	X		☆
5	■	X	X	X	X		
6	■	X	X	X	X		
7	■	X	X	X	X		☆
8	■	X	X	X	X		
9	■	✦	✦	✦	✦		
10	■	✦	✦	✦	✦		☆
11	■	✦	✦		✦		
12	■	✦				●	

■ Indicates Informal Item Bank in Kindergarten through grade 12

(X) Indicates CRT - Reading/Language Arts, Math, Science & Social Studies in grades 3-8

(✦) Indicates End-of-Course exams in grades 9 through 11 as follows:  
**9<sup>th</sup> grade** - English 9, Math\*, Coordinated and Thematic Science 9 (CATS 9) and U.S. History to 1900

**10<sup>th</sup> grade** - English 10, Math\*, CATS 10, and World Studies to 1900

**11<sup>th</sup> grade** - English 11, Math\*, and 20-21st Century Studies

**12<sup>th</sup> grade** - English 12

(●) Indicates 12 Grade Assessment

(☆) Indicates Writing Assessment

\*Math - Algebra I, Algebra II, and Geometry or a combination of 10<sup>th</sup> grade mathematics skills

## FISCAL NOTE WORKSHEET

(Submit 4 Copies)

NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT Statewide Assessment Program FUND Lottery for Assessment

SOURCE OF REVENUE:  GENERAL FUND  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST OF ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

COME ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

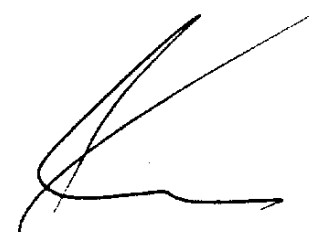
SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ 11,300,000.00	\$	\$ 3,600,025.00	\$ 14,900,025.00	\$ 14,900,025.00
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSES					
REPAIRS/ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

12/3/01  
DATE

Education  
AGENCY

  
AUTHORIZED REPRESENTATIVE

**POLICY 2340: THE STATEWIDE ASSESSMENT PROGRAM  
COMMENT LOG**

October 19, 2001 - November 23, 2001

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

Date	Individual/Organization	Comments	Action/ Type	Rationale
10/26/01	Rebecca Tinder Legal Services WVDE	<p><b>§126-14-1. General</b></p> <p>The language in section 1.5 should be "repeals and replaces".</p>		
		<p><b>§126-14-2. Purpose</b></p>		
		<p><b>§126-14-3. Definitions</b></p>		
10/19/01	Dianne Boggess Coordinator Student Ser. & Assess. Wood County Schools	<p>3.2 ... Tests based on what the students are...</p> <p>The second 3.3 should read 3.4 and "Homebound" should be one word</p> <p>3.5 Home Instructed students: Those <u>students children</u> not enrolled in the county school system who are instructed by person or persons providing home instruction.</p>		

Date	Individual/Organization	Comments	Action/ Type	Rationale
11/21/01	Amelia Courts Executive Director International School/ESL WVDE	<p><b>\$126-14-3. Definitions (Continued)</b></p> <p>3.1.2. LIMITED ENGLISH PROFICIENCY accommodations with the Statewide Assessment Standardization procedures include bilingual dictionary, electronic translator, small group administration, separate room administration, one-on-one administration, and administration in several sessions.</p> <p>3.3. Definition of LEPs:  *LIMITED ENGLISH PROFICIENCY when used with reference to individuals means (a) individuals who were not born in the United States or whose native language is a language other than English; (b) individuals who come from environments where a language other than English is dominant; and (c) individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms where the language of instruction is English.</p> <p>3.7.2. LIMITED ENGLISH PROFICIENCY modifications with the Statewide Assessment Standardization procedures include modification of linguistic complexity, text changes in vocabulary, addition of visual supports, use of dictionaries in native language, use of dictionaries in English, use of language translator, glossary of key terms/word bank, linguistic modification of test directions, additional example items/tasks, participation in selected subtests, extra assessment time, breaks during testing, and reading aloud of questions in English.</p>		

Date	Individual/Organization	Comments	Action/ Type	Rationale
10/19/01	Lawrence M. Miller Superintendent Ohio County Schools	<p><b>§126-14-3. Definitions (continued)</b></p> <p>3.2 student should be students</p>		
10/19/01	Lawrence M. Miller Superintendent Ohio County Schools	<p><b>§126-14-4. Program Regulations that are effective from 2001 through Spring 2003</b></p> <p>4.10 Homebound students are not in school due to medical reasons and cannot come to school to take the test. They are often are not well enough to take the test elsewhere. Test security cannot be guaranteed because the instructor is a substitute teacher and the test would be without monitoring from an administrator. Homebound students should be exempt from the test if they are unable to come to school for the test administration.</p> <p>4.11 Students in alternative education programs are placed there because of behavior problems that often endanger other students. These students are defiant and often refuse to take the test, rip up answer sheets and test booklets. Every effort should be made to test these students but it should not be mandatory. The home/school county would be penalized for test scores of students who have not been in the regular education programs.</p>		

Date	Individual/Organization	Comments	Action/ Type	Rationale
		<p><b>§126-14-4. Program Regulations that are effective from 2001 through Spring 2003 (continued)</b></p>		
11/21/01	Amelia Courts Executive Director International School/ESL WVDE	<p>4.4. All LIMITED ENGLISH PROFICIENCY students will participate in the West Virginia Statewide Assessment Program. The LIMITED ENGLISH PROFICIENCY committee will determine the appropriate participation of the LEP student under one of the following conditions: standard conditions or standard conditions with accommodations or standard conditions with modifications.</p>		
10/19/01	Dianne Boggess Coordinator Student Ser. & Assess. Wood County Schools	<p>4.9 and 4.10 both refer to an "approved educator who has signed the test security agreement." Since only the County Test Coordinator and the school principal must sign the test security agreement these statements must be changed. Maybe have it read an "educator who has received training as a test administrator" or something to that effect.</p>		
		<p><b>§126-14-5. Administration Regulations</b></p>		
10/23/01	Robyn Fitzsimmons County Test Coordinator Marshall Co. Schools	<p>5.3.1. Addresses the need of counties to provide staff development to those in the county. I don't see any section where staff development is provided to the county test coordinator so that they are prepared to address 5.3.1.</p>		
11/19/01	Mary Nunn Assistant Director Office of Special Education WVDE	<p>Between proposed 5.2 and 5.2, add a new 5.2 that reads as follows: 5.2. The West Virginia Alternate Assessment is an ongoing instructional and assessment process that requires the collection throughout the school year of data and other information on a student's performance on selected IGOs and the periodic documentation of the student's performance in a Datafolio."</p>		

Date	Individual/Organization	Comments	Action/ Type	Rationale
		§126-14-6. Reporting Regulations		
		§126-14-7. Security Regulations		
10/19/01	Lawrence M. Miller Superintendent Ohio County Schools	7.1.1 is exactly the same as 7.2.1 7.6 omit the word in after cooperative		
		§126-14-8. Assessment Revision Plan for 2003- 2004 School Year		
11/21/01	Dr. Charles Duffy Executive Director RESA VIII	Address a substitute math assessment to meet the 10 <sup>th</sup> grade Title I requirement.		

**Jan Barth**

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**From:** dboggess [dboggess@access.k12.wv.us]  
**Sent:** Friday, October 19, 2001 3:24 PM  
**To:** jbarth@access.k12.wv.us  
**Subject:** Policy 2340

Suggestions -

3.2 ...Tests based on what the students are...

The second 3.3 should read 3.4 and "Homebound" should be one word

3.5 Home Instructed students: Those ~~students~~ children not enrolled in the county school system who are instructed by person or persons providing home instruction.

4.9 and 4.10 both refer to an "approved educator who has signed the test security agreement." Since only the County Test Coordinator and the school principal must sign the test security agreement these statements must be changed. Maybe have it read an "educator who has received training as a test administrator" or something to that effect.

That's all the damage I can do for now. Thanks for the chance to give input.

Dianne Boggess, Coordinator  
Student Services & Assessment  
Wood County Schools

**Jan Barth**

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**From:** Robyn Fitzsimmons [rfitzsi@access.k12.wv.us]  
**Sent:** Tuesday, October 23, 2001 1:36 PM  
**To:** jbarth@access.k12.wv.us  
**Subject:** Policy 2340

Jan,

Policy 2340: 5.3.1 Addresses the need of counties to provide staff development to those in the county. I don't see any section where staff development is provided to the county test coordinator so that they are prepared to address 5.3.1.

Thanks - Robyn

Marshall Co  
West Ward.

## Jan Barth

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**From:** Rebecca Tinder [rtinder@access.k12.wv.us]  
**Sent:** Friday, October 26, 2001 10:59 AM  
**To:** Jan Barth  
**Subject:** Policy 2340

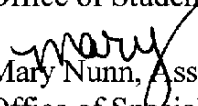
The language in section 1.5 should be "repeal and replace".

West Virginia Board of Education

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MEMORANDUM

TO: Jan Barth, Director  
Office of Student Services and Assessment

FROM:  Mary Nunn, Assistant Director  
Office of Special Education

RE: Proposed Policy 2340

DATE: November 19, 2001

Since the last date for submission of comments on proposed Policy 2340 is November 23, I wanted to submit this before Thanksgiving. I did not find an official Comment Form, thus, the "Memorandum".

**Comment on § 126-14-5 Administration Regulations.** Between proposed 5.1 and 5.2, add a new 5.2 that reads as follows:

"5.2. The West Virginia Alternate Assessment is an ongoing instructional and assessment process that requires the collection throughout the school year of data and other information on a student's performance on selected IGOs and the periodic documentation of the student's performance in a Datafolio."

**Rationale:** Including the statement above or a similar statement will clearly communicate that the West Virginia Alternate Assessment is an ongoing assessment that can not be restricted to or conducted within a short "test window" like the large-scale assessment components.

**POLICY 2340: THE STATEWIDE ASSESSMENT PROGRAM  
COMMENT SUGGESTIONS**

*Directions: Please use this form in commenting on proposed Policy 2340.*

**Individual/Organization:** LIMITED ENGLISH PROFICIENCY FOCUS GROUP

**Title:** Amelia Courts, Angel Brown, Debbie Smith, Kathy Willis

**Street Address:** 1900 Kanawha Blvd., East; B318; City/State Zip: Charleston, WV 25305

<b>Comments/Suggestions</b>	
<b>126-14-1. General</b>	
<b>126-14-2. Purpose</b>	
<b>126-14-3. Program Definitions</b>	<p>3.1.2 LEP accommodations with the Statewide Assessment Standardization procedures include bilingual dictionary, electronic translator, small group administration, separate room administration, one-on-one administration, and administration in several sessions.</p> <p>3.3 Definition of LEPs: *LIMITED ENGLISH PROFICIENCY: (a) individuals who were not born in the United States or whose native language is a language other than English; (b) individuals who come from environments where a language other than English is dominant; and (c) individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms where the language of instruction is English.</p> <p>3.7.2 LEP modifications with the Statewide Assessment Standardization procedures include modification of linguistic complexity, text changes in vocabulary, addition of visual supports, use of dictionaries in native language, use of dictionaries in English, use of language translator, glossary of key terms/word bank, linguistic modification of test directions, additional example items/tasks, participation in selected subtests, extra assessment time, breaks during testing, and reading aloud of questions in English.</p>
<b>126-14-4. Program Regulations that are effective from 2001 through Spring 2003</b>	
4.4	All LEP students will participate in the West Virginia Statewide Assessment Program. The LEP committee will determine the appropriate participation of the LEP student under

one of the following conditions: standard conditions or standard conditions with accommodations or standard conditions with modifications.

**126-14-4. Administration Regulations**

**126-14-5. Reporting Regulations**

**POLICY 2340: THE STATEWIDE ASSESSMENT PROGRAM  
COMMENT/SUGGESTIONS**

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*Directions: Please use this form in commenting on proposed Policy 2340.*

**Individual/Organization:** Dr. Charles Duffy

**Title:** Executive Director, RESA VIII

**Street Address:** 109 South College Street **City/State Zip:** Martinsburg, WV 25401

<b>Comments/Suggestions</b>
<b>126-14-1. General</b>
<b>126-14-2. Purpose</b>
<b>126-14-3. Program Definitions</b>
<b>126-14-4. Program Regulations that are effective from 2001 through Spring 2003</b>
<b>126-14-4. Administration Regulations</b>
<b>126-14-5. Reporting Regulations</b>

**126-14-6. Security Regulations**

**126-14-7. Assessment Revision Plan for 2003-2004 School Year**

Address a substitute math assessment to meet the 10<sup>th</sup> grade Title I requirement.

**RETURN COMMENTS BY NOVEMBER 23, 2001 TO:**

Jan Barth  
Executive Director  
West Virginia Department of Education  
Building 6, Room B-722  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330

**POLICY 2340: THE STATEWIDE ASSESSMENT PROGRAM  
COMMENT/SUGGESTIONS**

*Directions: Please use this form in commenting on proposed Policy 2340.*

**Individual/Organization:** Ohio County Schools, Lawrence M. Miller

**Title:** Superintendent

**Street Address:** 2203 National Road **City/State Zip:** Wheeling, WV 26003

<b>Comments/Suggestions</b>
<b>126-14-1. General</b>
<b>126-14-2. Purpose</b>
<b>126-14-3. Program Definitions</b> 3.2 student should be students
<b>126-14-4. Program Regulations that are effective from 2001 through Spring 2003</b> 4.10 Homebound students are not in school due to medical reasons and cannot come to school to take the test. They often are not well enough to take the test elsewhere. Test security cannot be guaranteed because the instructor is a substitute teacher and the test would be without monitoring from an administrator. Homebound students should be exempt from the test if they are unable to come to school for the test administration. (over)
<b>126-14-<del>5</del>. Administration Regulations</b> 7.1.1 is exactly the same as 7.2.1 7.6 omit the word in after cooperative
<b>126-14-5. Reporting Regulations</b>

**126-14-6. Security Regulations**

**126-14-7. Assessment Revision Plan for 2003-2004 School Year**

**RETURN COMMENTS BY NOVEMBER 23, 2001 TO:**

**Jan Barth  
Executive Director  
West Virginia Department of Education  
Building 6, Room B-722  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330**

4.11 Students in alternative education programs are placed there because of behavior problems that often endanger other students. These students are defiant and often refuse to take the test, rip up answer sheets and test booklets. Every effort should be made to test these students but it should not be mandatory. The home/school county would be penalized for test scores of students who have not been in the regular education programs.