

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #1

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126
RULE TYPE: Legislative; CITE AUTHORITY W.Va. Const., Article XII, §2; W.Va. Code §§18-2-5 and 18-2E-8(c)(1)
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:

DATE OF PUBLIC HEARING: November 12, 1996 TIME: 7:00 p.m.

LOCATION OF PUBLIC HEARING: Independence Jr. High School, Beckley (Sophia); Cabell Midland High School, Huntington; Museum of Culture and History Theater, Charleston; Eastern Greenbrier Jr. High School, Lewisburg; Parkersburg South High School, Parkersburg; Wheeling Park High School, Wheeling; East Fairmont High School, Fairmont; and James Rumsey Technical Institute, Martinsburg

COMMENTS LIMITED TO: ORAL, WRITTEN, BOTH XX

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Karen Nicholson, Assistant Director, WV Department of Education, Capitol Complex, Bldg. 6, Room 057, 1900 Kanawha Blvd., East, Charleston, WV 25305-0330

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

Cynthia E. Evans, Cynthia E. Evans, Director, Legal Services

4-20

**West Virginia Board of Education
Notification of Public Hearings**

Policies: 1100 (Guide to Implementation of S.B. 300)
2510 (Assuring the Quality of Education: Regulations for Education Programs)
2520 (Instructional Goals and Objectives for West Virginia Schools)
2340 (Statewide Assessment Program)
2470 (Use of Technology by Educators and Students)
2320 (Performance-Based Accreditation System)

Public Comment Period Ends: November 15, 1996

Eight public hearings regarding these policies will be held at 7:00 p.m. on November 12, 1996 at the following locations:

Beckley (Sophia): Independence Junior High School

Huntington: Cabell Midland High School

Charleston: Museum of Culture and History Theater

Lewisburg: Eastern Greenbrier Junior High School

Parkersburg: Parkersburg South High School

Wheeling: Wheeling Park High School

Fairmont: East Fairmont High School

Martinsburg: James Rumsey Technical Institute

Additional Information About the Hearings:

- Persons desiring to speak **must sign in** at a hearing location between 6:15 and 6:45 p.m. the night of the hearing. Speakers will not be registered by telephone.
- Speakers will receive a **maximum of five (5) minutes** for their remarks
- Speakers must provide a **written copy** of their remarks to the hearing moderator
- Smoking is not permitted at any of the hearing locations

WEST VIRGINIA DEPARTMENT OF EDUCATION

Dr. Henry R. Marockie, State Superintendent of Schools
Building 6/1900 Kanawha River C, Charleston, West Virginia 25307-0130

Phone: 304-558-2681
Fax: 304-558-0048

West Virginia Board of Education

Cleo P. Matthews, President
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Gary G. White

September 1996



Dear Colleagues:

S.B. 300 provides a unique opportunity to improve student achievement and prepare students for post-secondary education and their eventual entrance into the workplace. To implement the provisions of S.B. 300, a number of educators, parents and interested citizens from around the state have joined with Department of Education staff to revise and update policies. Enclosed for your information and review are copies of those policies. They have been placed on public comment until November 15, 1996 by the West Virginia Board of Education.

On the reverse side of this memorandum is a notice of public hearings on the policies. The hearings will be held in each region of the state on November 12, 1996.

The policies enclosed are:

- Policy 1100..... Guide to Implementation of S.B. 300. We suggest you review this policy first as it will direct you to the various changes that are being made to implement S.B. 300
- Policy 2510..... Education Programs. This is the basic policy that defines education in public schools in West Virginia.
- Policy 2520..... Instructional Goals and Objectives. This policy incorporates by reference the newly-revised instructional goals and objectives for the four core areas of English language arts, mathematics, science and social studies.
- Policy 2340..... Statewide Assessment Program. This policy details the new statewide assessment program.
- Policy 2470..... Use of Technology by Educators and Students. This policy provides general rules for the use of technology for instruction and incorporates by reference the statewide technology plan.
- Policy 2320..... Performance Based Accreditation System. Many of the performance measures and high quality standards have been revised and are incorporated in this policy.

We encourage you to review the policies and submit any comments you may have. Each policy has attached to it a comment form that contains the name and address of the Department staff professional to whom the comments should be sent. We also invite you to attend the public hearing on November 12 closest to you.

Thanks for taking the time to look through the policies. We appreciate the work you do for the children of West Virginia.

A handwritten signature in black ink, appearing to read "Henry Marockie".

Henry Marockie
State Superintendent of Schools

HM:dav
1118dav/11a

Executive Summary
Regulations for Statewide Assessment Program
Policy 2340

PURPOSE

The purpose of this document is to provide an updated policy that defines the current Statewide Assessment Program and provides guidelines for implementation. This Statewide Assessment Program was determined by an advisory council. Policy 2340 was prepared using these recommendations as well as Senate Bill 300 stipulations.

BACKGROUND

West Virginia Code §18-2-5 established the authority of the West Virginia Board of Education to establish a Statewide Assessment Program. Senate Bill 104 requires a Statewide Assessment Program be presented to the Legislative Oversight Committee. This Statewide Assessment Program will be for measurement of the educational progress of public school students in attaining high quality education. The advisory committee determined the Statewide Assessment Program. The program includes:

1. Norm-referenced Component - Stanford Achievement Test 9 from Harcourt Brace Publishing Company
2. Writing Assessment Component - West Virginia Department of Education development and implementation
3. National Assessment of Educational Progress (NAEP) Component - Federally and State mandated.
4. Additional assessments include ACT Explore for all 8th grade students and ACT Work Keys for all 12th grade students.

CONTENT

The three components of the Statewide Assessment are:

- Norm-Referenced Assessment - Stanford 9 is a product of Harcourt Brace Publishing Company. It is a norm-referenced test which will yield percentile ranks for school to school and county to county comparisons for grades 3 to 11 in the areas of reading, language, spelling, study skills, mathematics, science, and social science. Kindergarten will be assessed by the Metropolitan Readiness Test. Grades 1, 2 will be assessed by Stanford Abbreviated testing which will be used for school diagnostic purposes only.

Listening will be assessed in 3rd through 8th grade also. The county school systems will be required to honor the testing window for testing and re-testing. The testing irregularity procedures will be closely followed. Special Education students may be exempted by IEP documentation.

- Writing Assessment - West Virginia Department of Education develops and implements the Writing Assessment. It will be administered in grades 4, 7, and 10. It offers a holistic score and an analytical score for students and teachers to remediate the weakness and work to the students' strengths. Special Education students may be exempted by IEP documentation .
- National Assessment of Educational Progress (NAEP) - The Nations Report Card has a federal and state mandate. The NAEP assessment will be given at grades 4, 8, and 12. It provides a barometer for gauging progress toward improved educational attainment for our nations's youth at the state, regional, and national levels. Special Education students may be exempted by IEP documentation.
- Additional Testing:
 - ACT Explore - an assessment designed to provide students in grade 8 with information they need in order to plan and prepare for future academic and vocational success.
 - ACT Work Keys - will be used to monitor students' knowledge of process/workplace readiness skills at the 12 grade level.

RECOMMENDATION

It is recommended that this policy outlining the three components and the guidelines for implementation which comprise the Statewide Assessment Program be placed on public comment.

126CSR14

TITLE 126
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION

SERIES 14

~~Title: Regulations for State-County Testing~~ THE STATEWIDE ASSESSMENT PROGRAM
(2340)

~~Section 1~~ §126-14-1. General.

1.1. Scope - ~~In accordance with the measurement and evaluation needs related to students' learning and development, regulations~~ This policy establishes rules governing the administration and operation of the State-County Testing Statewide Assessment Program have been established.

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

1.3. Filing Date -

1.4. Effective Date -

1.5. Amendment ~~Repeat~~ of former rule. This rule ~~repeals~~ revises 126CSR14 (Policy 2340) and ~~replaces legislative rule entitled Regulations for State-County Testing Program, Series 14; filing date June 3, 1991; effective July 1991, date,~~

~~Section 2~~ §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, protect the integrity of test data, and support the use of assessment data to improve instruction.

§126-14-3. Specific Program Regulations.

~~2-13.1.~~ All students listed on a teacher's register as part of the 3rd, 6th, 9th, or 11th grade enrollments in grades one through eleven shall be included in the State-County Testing Statewide Assessment Program, Norm-Referenced Testing component, in the spring of each year. Exception: Special education students may be excused at the discretion of the county if documented in their Individualized Education Program (IEP).

~~2-23.2.~~ The State-County Testing Statewide Assessment Program, Norm-Referenced Testing

component, will test the subjects of reading, language; arts including spelling, and reference study skills, mathematics, science, and social studies sciences at the grades 3rd, 6th, 9th and 3 through 11. th grades. Subjects being tested at grades 1 and 2 are reading, mathematics, language, and listening. Listening will also be tested in grades 3 through 8.

2.33.3. All students listed on a teacher's register as part of the 8th or 4th, 7th and 10th grade enrollments shall be included in the State County Testing Statewide Assessment Program, Writing Assessment component, in the spring of each year. Exception: Special Education students may be excused at the discretion of the county if documented in their Individualized Education Program (IEP).

2.4 The State County Testing Program Writing Assessment component will secure a writing sample at the 8th and 10th grades.

2.5 The measurement of verbal and non-verbal reasoning ability will be conducted at the 3rd and 9th grades.

3.4. All students listed on a teachers register as a part of Kindergarten enrollment shall be included in the Statewide Assessment Program, Metropolitan Readiness Test component. The Metropolitan Readiness Test will be used to assess student progress and identify individual instructional needs.

3.5. All students listed on a teacher's register as a part of 8th grade enrollment shall be Included in the Statewide Assessment Program, American College Testing (ACT) Explore assessment component, that will be administered in the fall of each year.

3.6. All students listed on a teacher's register as a part of the twelfth grade enrollment shall be included in the Statewide Assessment Program, ACT Work Keys component, that will be used to monitor students' knowledge of process/workplace skills. The ACT Work Keys will be administered in the fall of each year.

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

3.8. 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 National Assessment of Educational Progress each year. The NAEP reports only state, regional, and national data.

2.83.9. The testing program shall be administered managed by a county test coordinator who

has been provided ~~inservice training experience~~ in administering the test instruments ~~ef~~ used in this program. County test coordinators shall provide training to all teachers and counselors who administer the tests.

~~2-93.10.~~ Test booklets shall be used only in conjunction with the ~~State-County Testing~~ Statewide Assessment Program. ~~The Use of said test booklets, copies of the booklets or excerpts from the test booklets, apart from the scheduled test administration to students, is limited to appropriate curriculum study if authorized by the county superintendent, county test coordinator, and county curriculum committee inappropriate and unethical.~~ Practice tests, alternate forms, test improvement programs and technology may be used to prepare students to take the test.

~~2-103.11.~~ Test booklets shall be ~~inventoried by the county test coordinator and stored in a secure, central location by the county test coordinator consistent with procedures outlined in the Testing Code of Ethics that has been distributed to all county test coordinators and superintendents.~~ A copy of the inventory shall be forwarded to the West Virginia Department of Education.

~~2-113.12.~~ Counties shall provide staff development programs in test administration, interpretation and use for all appropriate central office and school building level professional staff.

~~2-123.13.~~ The county test coordinator in each county shall develop an outline or overview regarding the administration and use of ~~State-County Testing~~ the Statewide Assessment Program test results, ~~and submit it to the West Virginia Department of Education.~~

~~2-133.14.~~ All students and parents of those students who participate in the ~~State-County Testing~~ Statewide Assessment Program shall be informed of the individual student test results, with the exception of NAEP results, and shall be provided the opportunity for explanation and interpretation of said those results by trained professional staff within the schools, and county

~~3.15.~~ 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).

~~2-14~~ 3.16. All teachers shall be provided norm-referenced and item data for the students in their schools and/or classrooms for the areas of instruction for which they are responsible. Other professional staff in the school ~~may~~ are to access the test results for individuals and groups of students for the purposes of instructional planning.

~~2-15~~ 3.17. The West Virginia Department of Education may release county as well as overall state averages in grades 3 through 11 on the norm-referenced test and grades 4, 7, and 11 on the Writing Assessment. The West Virginia Department of Education will release to the public only those records ~~which that~~ are not identifiable to a student or small group of students and are not

integral to the testing process. Neither test booklets nor specific test items will be released to any non-school parties.

3.18. The West Virginia Department of Education will routinely review county, school and classroom test data reports to identify irregularities in testing procedures, modifications of test answer sheets, or other unethical practices. These procedures are outlined in the Testing Code of Ethics provided to all county test coordinators and superintendents.

3.19. The county superintendent will be informed of any suspected irregularities and asked to either conduct an investigation of the suspected irregularity or to cooperate in the Department of Education's investigation.

3.20. Documented misconduct on the part of an educator can result in loss of licensure.

RESPONSE

Policy 2340: The Statewide Assessment Program

Directions: Please use this form to comment on proposed Policy 2340: The Statewide Assessment Program

=====

Individual/Organization: _____

Address:

Comments on Policy 2340: The Statewide Assessment Program

126-14-1. General

126-14-2. Purpose

RETURN BY NOVEMBER 15, 1996

Karen Nicholson, Assistant Director
West Virginia Department of Education
Capitol Complex, Building 6, Room B-057
1900 Kanawha Boulevard East
Charleston, WV 25305-0330

FISCAL NOTE WORKSHEET

(Submit 4 Copies)

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

SUBJECT Policy 2340 FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF 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 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

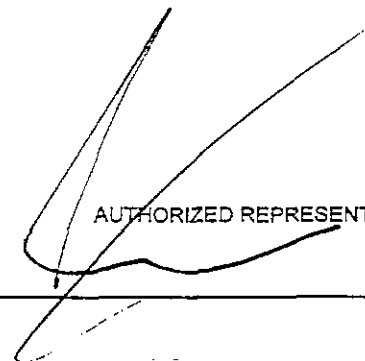
EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ *	\$	\$	\$	\$
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$ --	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

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

* No additional funding required.

DATE
9/4/96

AGENCY

AUTHORIZED REPRESENTATIVE


KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

STATE OF WEST VIRGINIA

SECRETARY OF STATE
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

(Plus all the volunteer help we can get)

TO: Karen Nicholson
VIRGINIA HARRIS

AGENCY: EDUCATION

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: February 13, 1997

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 114 TITLE: 126 EDUCATION

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Karen M Nicholson

TITLE OF PERSON SIGNING: Assistant Director, Student Services & Assessment

DATE: 2-19-97

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**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 §§18-2-5 and 18-2E-8(c)(1).

1.3. Filing Date. -- December 16, 1996.

1.4. Effective Date. -- July 1, 1997.

1.4.1. Unless specified otherwise within the policy.

1.5. Amendment of former rule. This rule revises 126CSR14 (Policy 2340). Last revised July 1991.

§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, protect the integrity of test data, and support the use of assessment data to improve instruction.

§126-14-3. Program Regulations.

3.1. All students listed on a teacher's register in grades one through eleven shall be included in the Statewide Assessment Program, Norm-Referenced component, in the spring of each year. Special education students may be excused if documented in their Individualized Education Program (IEP). For those special education students who do not participate in the statewide assessment, an alternative form of assessment

must be conducted.

3.2. The Statewide Assessment Program, Norm-Referenced component, will test the subjects of reading, language, spelling, study skills, mathematics, science, and social sciences at grades 3 through 11. Subjects being tested at grades 1 and 2 are reading, mathematics, language, and listening. Listening will also be tested in grades 3 through 8.

3.3. All students listed on a teacher's register as part of the 4th, 7th and 10th grade enrollments shall be included in the Statewide Assessment Program, Writing Assessment component, in the spring of each year. Special Education students may be excused if documented in their Individualized Education Program (IEP).

3.4. All students listed on a teacher's register as a part of Kindergarten enrollment shall be included in the Statewide Assessment Program, Metropolitan Readiness Test component. The Metropolitan Readiness Test will be used to assess student progress and identify individual instructional needs.

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

3.6. All students listed on a teacher's register as a part of the twelfth grade enrollment shall be included in the Statewide Assessment Program, ACT Work Keys component, that will be used to monitor students' knowledge of process/workplace skills. The ACT Work Keys will be administered in the fall of each year.

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

3.8. Teachers will not be required to grade any portion of the statewide assessment instruments in grades 1-12 except for those teachers who are both trained and paid to grade the writing assessment.

3.9. 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 National Assessment of Educational Progress each year. The NAEP reports only state, regional, and national data.

3.10. 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 teachers and counselors who administer the tests.

3.11. 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. Practice tests, alternate forms, test improvement programs and technology may be used to prepare students to take the test.

3.12. Test booklets shall be stored in a secure, central location by the county test coordinator consistent with procedures outlined in the Testing Code of Ethics that has been distributed to all county test coordinators and superintendents.

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

3.14. 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.

3.15. All students and parents of students who participate in the Statewide Assessment Program shall be informed of the individual student test results, with the exception of NAEP results, and shall be provided the opportunity for explanation and interpretation of those results by trained professional staff within the schools.

3.16. 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).

3.17. All teachers shall be provided norm-referenced and item data for the students in their schools and/or classrooms for the areas of instruction for which they are responsible. Other professional staff in the school are to access the test results for individuals and groups of students for the purposes of instructional planning.

3.18. The West Virginia Department of Education may release county as well as overall state averages in grades 3 through 11 on the norm-referenced test and grades 4, 7, and 10 on the Writing Assessment. 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 booklets nor specific test items will be released to any non-school parties.

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