

EXECUTIVE SUMMARY

WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: Policy 2325 - High Quality Standards for Juvenile Institutional Education Programs

Background: *Describe the precipitating event(s) leading to the need to revise or create this policy including what laws impact the policy with an excerpt from the law. Also note any other State Board policies that need to be aligned with this policy or vice versa.*

The initial version of Policy 2325, effective August 2006, resulted in two pilot audits in the spring of 2008 by the Office of Education Performance Audits, hereinafter OEPA. Pressley Ridge Schools at White Oak in Wood County and the Burlington Center School in Mineral County were audited and the pilot audit findings were presented to the WVBE. The Office of Institutional Education Programs, hereinafter OIEP, worked in conjunction with OEPA to revise the existing standards in an effort to create a more seamless monitoring system for Juvenile Institutional Education Programs. The revised policy represents that document.

Proposals: *For policy revisions, describe the proposed changes section by section and the purpose therefore as well as any general changes. For a new policy, describe the overall purpose of the policy and how that purpose has been addressed.*

During our pilot audits, OEPA found that our standards were too broad. OEPA felt that some standards in the current policy would take several days to verify and some were too vague to even develop verification procedures. In addition, they felt some standards were not applicable to Juvenile Institutional Education Programs. OIEP formed a small committee to examine these issues. OEPA then worked with OIEP to rewrite many standards, reduce the number of standards and reorder the remaining and new standards from an auditor's perspective.

Impact: *Describe the possible consequences of the changes to the policy of the adoption of a new policy including both intended and unintended possible consequences.*

The proposed revision will allow OEPA to audit OIEP's Juvenile Institutional Education Programs in a more stream-lined fashion. This policy will hold schools accountable to set standards. If a school is found deficient, this will enable the leadership in OIEP to address the deficiencies and correct them as well as recognize schools for exemplary performance according to the standards.

Response to Comments: *This section is added to the executive summary once a policy has completed the comment period and is being taken back before the State Board for adoption. In this section indicate how many comments were received and how they were addressed or why they were not addressed in the policy*

One comment was received during the comment period. This comment was not accepted. The policy refers to research based programs and while both of these strategies are relevant, we do not want to name specific strategies that could cause teachers to all do the same or to curtail creativity. Teachers have all received PBL training and will receive Ruby Payne training in the near future.

FILED

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

2009 APR 10 PM 12: 23

SERIES 53
HIGH QUALITY STANDARDS FOR JUVENILE
INSTITUTIONAL EDUCATION PROGRAMS (2325)

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§126-53-1. General.

1.1 Scope. - This rule establishes high quality standards for juvenile institutional education programs under the governance of the West Virginia Board of Education (hereinafter WVBE) and the State Superintendent of Schools. The system of performance audits shall assist the Office of Institutional Education Programs (hereinafter OIEP) in ensuring that the high quality standards are met by schools. These standards are not applicable to education programs in short-term juvenile "detention" centers.

1.2 Authority. - West Virginia Constitution, Article XII, §2 and W. Va. Code §§18-2-5, 18-2-13f and 18-2-13h.

1.3 Filing Date. - April 10, 2009

1.4 Effective Date. - May 11, 2009

1.5 Repeal of Former Rules. - This rule amends W. Va. 126CSR53, High Quality Standards for Juvenile Institutional Education Programs, Policy 2325, filed July 13, 2006 and effective August 14, 2006.

§126-53-2. Purpose.

2.1. The purpose of establishing high quality standards for juvenile institutional education programs under the governance of the WVBE and State Superintendent of Schools is to provide for the accreditation of these programs by the Office of Education Performance Audits (hereinafter OEPA). Program accreditation assures effective and efficient education programs and accountability to the public for the education provided by the West Virginia Department of Education's OIEP in juvenile institutions.

§126-53-3. High Quality Standards.

3.1. Operational Procedures. OIEP shall establish operational policies and implement written procedures that reflect the education standards adopted by the WVBE. These standards assure that juveniles in facilities under the governance of the WVBE and the State Superintendent of Schools are afforded the opportunity to receive an adequate and appropriate education in accordance with applicable state and federal

126CSR53

laws, policies and regulations; continue to advance in school; and, prepare for reentry to the public schools, postsecondary education or the world of work.

3.2. Curriculum and Instruction. The curriculum and instructional practices of the organization and the school are based on WVBE and OIEP policy and research, and ensure that students in these facilities have an adequate and equitable opportunity to learn.

3.2.1. Curriculum Based on Content Standards and Objectives. The curriculum is based on the content standards and objectives approved by the WVBE. Content standards are used to guide instruction.

3.2.2. High Expectations. Through curricular offerings, and instructional and administrative practices, staff demonstrate high expectations for the learning and achieving of all students.

3.2.3. Learning Environment. School staff provide a safe, positive and nurturing environment that is conducive to learning.

3.2.4. Research Based Instructional Strategies. Staff demonstrate the use of research based instructional strategies that facilitate learning for all students.

3.2.5. Instruction. Instruction is based on four core academic areas (English/language arts/reading, mathematics, social studies, science) and programs in developmental guidance appropriate for the student's developmental and grade level. Elective offerings must be based on approved WVBE content standards and objectives or must have written goals and objectives that are approved by the Superintendent of OIEP. The instructional program will accommodate the frequent entry and exit of students. Frequent monitoring and assessment of student progress is utilized to guide and improve instruction.

3.2.6 Instruction in Writing. Instruction in writing shall be a part of every student's weekly education program. Feedback on student writing shall be provided.

3.2.7. Instructional Materials and Library/Technology Access. All students have access to approved and appropriate up-to-date textbooks, instructional materials, and other resources in all curricular areas. Students have regular access to library/educational technology centers or classroom libraries.

3.2.8. Multicultural Activities. Multicultural activities are included at all programmatic levels with an emphasis on prevention and zero tolerance for racial, sexual, religious/ethnic harassment, or violence. (126CSR18, WVBE Policy 2421, Racial, Sexual, Religious/Ethnic Harassment and Violence Policy, hereinafter Policy 2421.)

3.2.9. Instructional Day. Priority is given to teaching and learning with a focus on the active engagement of students during designated instructional class time. An instructional day is provided that includes a minimum of 315 minutes for

126CSR53

kindergarten and grades 1 through 4; 330 minutes for grades 5 through 8; and 345 minutes for grades 9 through 12. The school submits to OIEP a calendar with a minimum 180 instructional days (W. Va. Code §18-5-45; 126CSR42, WVBE Policy 2510, Assuring The Quality of Education: Regulations for Education Programs, hereinafter Policy 2510). An extended school term is provided as required by statute or interagency agreement.

3.3. Student and School Planning and Performance. The school's education program provides the opportunity for students to learn at developmental and grade appropriate levels to acquire the knowledge and skills needed to advance and succeed in a competitive, changing society.

3.3.1. Mission and Goals. The mission and goals of the organization/school provide direction for planning the school's education program.

3.3.2. Strategic Plan. School leaders collaborate with school staff to develop and implement a formal, written strategic plan. The strategic plan is based on data regarding student achievement, program delivery, and student outcomes. The strategic plan provides for establishment, implementation, evaluation, and monitoring of a continuous process of school improvement. The strategic plan is reviewed and updated annually.

3.3.3. Data Analysis. The school analyzes, interprets, and uses student assessment and performance data to identify and assist students who are below grade level in achieving mastery of the state content standards and objectives. The school uses multiple measures to annually evaluate program effectiveness.

3.3.4. Staff Development (Continuing Education). The organization and school provide for the delivery of professional growth and development opportunities for employees.

3.3.5. Counseling Services. School counselors in long-term juvenile education programs spend at least sixty percent (60%) of their work schedule in a direct counseling relationship with students, and devote no more than forty percent (40%) of their work schedule to counseling related administrative activities.

3.3.6 Guidance and Advisement. Students are provided specific guidance and advisement opportunities in the areas of academic, career, and personal/social development. Students have an opportunity to review career clusters and to select a career cluster to explore in grades 9 and 10, and to choose a career major prior to completion of grade 10.

3.3.7. Student Assessment and Program Planning. Student Assistance Teams (SAT) use classroom observation, comprehensive assessment, and educational record reviews for the purpose of addressing academic and behavior performance and the development of academic and/or behavioral interventions/modifications as appropriate. SAT facilitates and expedites the development of an Individual Program

126CSR53

and Transition Plan (IPTP) or an Individualized Education Program (IEP), as appropriate, for each student.

3.3.8. Lesson Planning. Teachers prepare lesson plans in advance. Lesson plans are based on approved content standards and objectives. The administrator reviews lesson plans a minimum of once each quarter and provides written feedback.

3.4. Regulatory Agency Reviews. Following facility reviews and inspections by regulatory agencies, findings are reported and deficiencies corrected consistent with interagency agreements.

3.4.1. Facilities are safe, free of hazards and adequate to meet the needs of students and provide an environment conducive to learning.

3.5. Administrative Practices. The organization and school consider data and research, and implement procedures that conform to W. Va. Code and WVBE and OIEP policy to achieve a consistent and efficient operation of education programs.

3.5.1. Legal Basis. There is a legal basis for the organization/school to provide education programs in facilities under the governance of WVBE and the State Superintendent of Schools.

3.5.2. School-Host Agency Collaboration. The school and host agency develop a collaborative partnership that ensures a positive school culture, safe and adequate facility for learning and supports the delivery of a high quality education program.

3.5.3. Codes of Conduct. The organization and school implement, investigate, and monitor the code of conduct for employees. (W.Va. Code §18-2E-5, 126CSR162, WVBE Policy 5902, Employee Code of Conduct, hereinafter Policy 5902 and OIEP Employee Handbook.)

3.5.4. Statewide Assessment. OIEP education programs shall participate in statewide assessment programs.

3.6. Personnel. OIEP shall employ personnel to deliver high quality programs and services that ensure academic success for all students; implement employment hiring and assignment practices that conform with W. Va. Code, WVBE and OIEP policy.

3.6.1. Hiring. OIEP follows hiring practices set forth in the WVBE approved Employee Handbook for Institutional Education Programs.

3.6.2. Licensure. Professional educators and other professional personnel are licensed for their assignments under WVBE policy.

126CSR53

3.6.3. Evaluation. OIEP implements an evaluation policy for professional and service personnel in accordance with OIEP policy.

3.6.4. Orientation and Mentoring. OIEP provides orientation and mentoring for new employees.

3.7. Safe, Drug Free, Violence Free, and Disciplined Schools. OIEP education programs maintain a safe, drug free, violence free, and disciplined learning environment that ensures the physical, social, and emotional well being of students and staff and that respects individual differences.

3.7.1. School Rules, Procedures, and Expectations. School rules, procedures, and expectations are written, clearly communicated, and enforced. (Policy 2510.)

3.7.2. OIEP implements WVBE and OIEP policy and W. Va. Code, governing employee disciplinary procedures; racial, sexual, religious/ethnic harassment and violence; substance abuse; tobacco use; student confidentiality; grading; health and safety of staff and students; security; staff-student relationships; supervision of students; and reporting of child abuse and neglect. (W. Va. Code §18-8-8 and §18A-5-1; Policy 2421; 126CSR51, WVBE Policy 2423, Communicable Disease Control Policy; 126CSR23, WVBE Policy 2422.5, Substance Abuse and Tobacco Control; 126CSR37, WVBE Policy 2515, Uniform Grading, and the OIEP Employee Handbook.)

3.8. Leadership. Effective leadership exists at the central office, school, and classroom levels. Leadership is demonstrated by vision, school culture, instruction, management, environment, community, and professionalism. (126CSR147, WVBE Policy 5500.03, Rules for Required Qualities, Proficiencies and Leadership Skills for Principals.)

3.8.1. Interagency Agreements. Agreements between OIEP and the host agency in each facility clearly specify host agency responsibilities for providing adequate facilities and maintenance.

§126-53-4. Severability.

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

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 126CSR53, Policy 2325: High Quality Standards for Juvenile Institutional Education Programs

Type of Rule: X Legislative Interpretive Procedural

Agency: West Virginia Board of Education

Address: Capitol Building 6, Room 351

 1900 Kanawha Boulevard, East

 Charleston, West Virginia 25305

Phone Number: 304.558.3762

Email: jmcclan@access.k12.wv.us

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No costs or revenues will be impacted by the proposed amendment of W. Va. 126CSR53, Policy 2325: High Quality Standards for Juvenile Institutional Education Programs

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs & Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

Rule Title: **126CSR53, Policy 2325: High Quality Standards for Juvenile Institutional Education Programs**

Rule Title: 126CSR53, Policy 2325: High Quality Standards for Juvenile Institutional Education Programs

- 3. Explanation of above estimates (including long-range effect);**
Please include any increase or decrease in fees in your estimated total revenues.

No costs or revenues will be impacted by the proposed amendment of W. Va. 126CSR53, Policy 2325: High Quality Standards for Juvenile Institutional Education Programs.

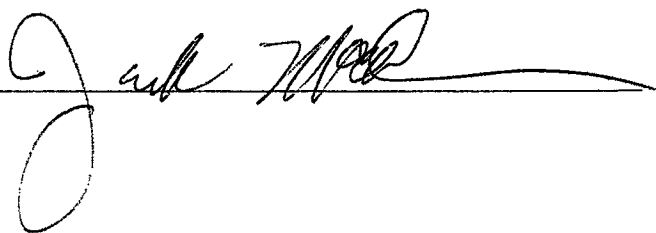
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

No costs or revenues will be impacted by the proposed amendment of W. Va. 126CSR53, Policy 2325: High Quality Standards for Juvenile Institutional Education Programs. The proposed policy amendments will not change the number of audits or the method of audits completed by the Office of Education Performance Audits. These amendments simply change the number of standards audited to a more manageable number and clears up vagueness and ambiguity in the language of the standards.

Signature of Agency Head or Authorized Representative

Date



1-29-09

Policy 2325 – High Quality Standards for Juvenile Institutional Education Programs

Comment Log

February 13 – March 16, 2009

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

Date	Individual/Organization	Comments	Action/Type	Rationale
3/10/09	M. Jane Merendino WV Math Coach 200 Gaston Avenue Fairmont, WV 26554	S126-53-3 – High Quality Standards Can project based learning be added here? Research has shown that students who have failed in traditional classroom settings succeed with PBLs. The attempt to educate the children in these facilities must be successful if we, the taxpayers, are not to provide for these kids the rest of their lives. The chances of these kids landing in adult facilities is high so the school has a giant task to do all they can to help these kids be successful. Another good thing would be to require all teachers in these facilities to have the Ruby Payne training.	NA	The policy refers to research based programs and while both of these strategies are relevant, we do not want to name specific strategies that could cause teachers to all do the same or to curtail creativity. Teachers have all received PBL training and will receive Ruby Payne training in the near future.

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, March 10, 2009 2:51 PM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 2325 (2009-03-10 14:50:36)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
<http://129.71.2.32/r.html?id=9f9d957ac8b1e4d902e5680c19c700e2>
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2325

#####

Name: M. Jane Merendino
Organization: WV Math Coach
Email: mmerendi@access.k12.wv.us
Title: Math Caoch
Address1: 200 Gaston Ave
Address2:
City/State/Zip: Fairmont, WV 26554
Role: Teacher
Posted: 2009-03-10 14:50:36
Posted from IP: 66.118.66.90

Comments for section 126-53-1 General

Comments for section 126-53-2 Purpose

Comments for section 126-53-3 High Quality Standards

Can project based learning be added here? Research has shown that students who have failed in traditional classroom settings succeed with PBLs. The attempt to educate the children in these facilities must be successful if we , the taxpayers, are not to provide for these kids the rest of their lives. The chances of these kids landing in adult facilities is high so the school has a giant task to do all they can to help these kids be successful. Another good thing would be to require all teachers in these facilities to have the Ruby Payne training.

Comments for section 12653-4 Severability
