



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

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

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 09/11/2023

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Derek Lambert, Ed.D.
ADDRESS: WVDE Office of PK-12 Academic Support, Capitol Bldg. 6, Suite 500
1900 Kanawha Blvd. E., Charleston, WV 25305
EMAIL: drlambert@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This policy establishes standards to support students reaching grade-level proficiency in reading and mathematics by the end of grade three.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Policy 2512 has been updated to reflect changes in W. Va. Code §18-2E-10. Language has been added regarding: the Science of Reading instruction; addition of ECCATs, aides, paraprofessionals, and/or interventionists; the use of screeners for dyslexia and dyscalculia; and the use of benchmarks to ensure students are proficient in reading and mathematics by the end of grade three; and student retention guidelines.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There will be no economic impact on revenues of state government as a result of the proposed amendment of 126CSR30, Policy 2512.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There will be no economic impact on special revenue accounts as a result of the proposed amendment of 126CSR30, Policy 2512.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

There will be no economic impact on the state or its residents as a result of the proposed amendment of 126CSR30, Policy 2512.

D. FISCAL NOTE DETAIL:

| Effect of Proposal | Fiscal Year | | |
|------------------------------------|--|--|--|
| | 2023 Increase/Decrease (use "-") | 2024 Increase/Decrease (use "-") | Fiscal Year (Upon Full Implementation) |
| 1. Estimated Total Cost | 5,717,133 | 0 | 5,717.133 |
| Personal Services | 0 | 0 | 0 |
| Current Expenses | 5,717,133 | 0 | 5,717,133 |
| Repairs and Alterations | 0 | 0 | 0 |
| Assets | 0 | 0 | 0 |
| Other | 0 | 0 | 0 |
| 2. Estimated Total Revenues | 0 | 0 | 0 |

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

The proposed policy will utilize the existing early literacy program line item appropriated yearly by the legislature.

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

Yes

Stephanie Abraham -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**Policy 2512, Tiered System of Support for Early Literacy and Numeracy
List of Stakeholders**

West Virginia Department of Education

External Stakeholders

- Mary Lind, Pre-K District Coordinator, Jefferson County,
- Vanessa Hayes, Academic Coach, Preston County
- Dana Holstein, Teacher, Boone County
- Katie Burnes, Teacher, Monongalia County
- Dancey Howes, Lead Teacher, Webster County
- Paige DeHart, Teacher, Kanawha County
- Helen Durgin, Teacher, Putnam County
- Denise Arthur, Curriculum Specialist, Kanawha County
- Amber Myers, Specialist, June Harless Center
- Melissa Forinash, Academic Coach, Monongalia County
- Melissa Ruddle, Assistant Superintendent, Kanawha County
- Deirdre Cline, Superintendent, Wyoming County
- Kimberly Miller, Superintendent, Ohio County
- Allison Pyle, Pre-K District Coordinator, Webster County
- Nancy Hanna, Assistant Superintendent, Greenbrier County
- Lori Moore, Principal, Pendleton County
- Danielle Veltri, Principal, Harrison County
- Dale Lee, President, WVEA
- Fred Albert, resident, AFT-WV
- David Gladkosky, Executive Director, WVPE

Internal Stakeholders

- Jonathan Shank, Coordinator, Special Education
- Margaret Williamson, Director, School Improvement
- Joey Wiseman, Director, Student Enrichment
- Drew McClanahan, Director, Leadership Development and Support
- Sheila Paitsel, Director, Special Education
- Jonah Adkins, Director, PK-12 Academic Support
- Lisa Fisher, Coordinator, PK-12 Academic Support
- Kelly Griffith, Coordinator, PK-12 Academic Support
- Christy Schwartz, Coordinator, PK-12 Academic Support
- Janet Bock-Hager, Coordinator, PK-12 Academic Support
- Keisha Thompson, Coordinator, PK-12 Academic Support

126CSR30

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 30
~~TRANSFORMATIVE TIERED~~ SYSTEM OF SUPPORT FOR EARLY LITERACY AND NUMERACY (2512)

§126-30-1. General.

1.1. Scope. This legislative rule effectuates the provisions of W. Va. Code §18-2E-10, Third Grade Success Act, ~~transformative system of support for early literacy (TSSEL)~~.

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

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

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

1.5. Repeal of Former Rule. This legislative rule amends W. Va. 126CSR30, Policy 2512, Transformative System of Support for Early Literacy (Policy 2512), filed ~~October 9, 2014~~ June 9, 2021, and effective ~~November 10, 2014~~ July 12, 2021.

§126-30-2. Purpose.

2.1. This policy establishes standards ~~for county central office staff in establishing a transformative system of support for~~ to support students reaching grade-level proficiency in reading and mathematics by the end of third grade ~~three, targeting a comprehensive~~ Using a multi-tiered system of support for early literacy and mathematics in pre-kindergarten through third grade ~~three, This approach shall be coordinated by the school student assistance team (SAT) focusing on supports during the early learning years, which include~~ Schools and engaged communities are mobilized to remove barriers, expand opportunities, and assist families in fulfilling their roles and responsibilities to serve as full partners in the success of their children. The blueprint for West Virginia's Campaign for Grade Level Reading includes the development of a comprehensive, systematic approach to close the reading achievement gap by third grade targeting school readiness, chronic absence, extended learning, and an intervention framework.

§126-30-3. Definitions.

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

3.2. Extended Learning. ~~Learning that children experience outside of the traditional school day and can include before school, after school, and summer programming. The primary acquisition of knowledge and skills through instruction or study outside of the traditional classroom.~~ Extended learning includes instructional support for students to ensure grade-level proficiency and to prevent summer learning loss.

3.3. School Readiness. ~~The P~~rocess of assuring that children have access to the best available resources prior to entering first grade. Available resources support children and their families and focus on maximizing children’s holistic development from birth. Acknowledging that each child’s development is significantly impacted by previous experiences, school readiness also entails the capacity of schools and programs to welcome families and be prepared to serve all children effectively within the developmental domains of health and physical development, social and emotional development, language and communication, cognition and general knowledge, and individual approaches to learning.

3.4. ~~Transformative System of Support for Early Literacy (TSSEL). The comprehensive approach to closing the reading achievement gap by the third grade. It is aligned to West Virginia’s Campaign for Grade Level Reading and supports the whole child through efforts related to attendance, school readiness, extended learning, and high quality instruction. Science of Reading. Evidence-based reading instruction practices that address the acquisition of language, phonological and phonemic awareness, phonics and spelling, fluency, vocabulary, oral language, comprehension, and writing that can be differentiated to meet the needs of individual students.~~

3.5. West Virginia Early Literacy and Numeracy Network of Support. This includes S~~stakeholders~~ dedicated to assisting counties in the implementation of a ~~local transformative- tiered~~ system of support for early literacy and numeracy (TSSELN). These stakeholders are responsible for communicating the requirements of ~~this policy 2512: Tiered System of Support for Early Literacy and Numeracy (TSSEL)~~ and providing professional learning to assist in reaching early literacy and mathematics goals.

§126-30-4. General Responsibilities.

4.1. The West Virginia Board of Education (WVBE) has the responsibility of generating policy ~~that~~ includes rules to effectuate the provisions of W. Va. Code §18-2E-10 that includes at least the following:

4.1.a. ~~implementation of the West Virginia Campaign for Grade Level Reading, a comprehensive, systematic approach to close the reading achievement gap by third grade, which targets school readiness, chronic absence, extended learning, and high quality instruction to create a transformative intervention framework for student and learning supports; developing a statewide comprehensive, systemic approach to close reading and mathematics achievement gaps by grade three, targeting school readiness, the attendance gap, science of reading, mathematics instruction, summer learning loss, the use of screeners and/or benchmark assessments in English language arts and mathematics for students in grades kindergarten through three, and a multi- tiered system of support for all students;~~

4.1.b. ensuring all West Virginia children have access to high-quality early learning experiences ~~that~~ which focus on physically and emotionally healthy learners as part of the school readiness model, resulting in increased populations of children on target for healthy development prior to entering first grade;

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

4.1.d. providing assistance to county boards with the training and implementation of the science of reading for all kindergarten through grade three educators, early childhood classroom assistant teachers (ECCATs), aides, paraprofessionals, and/or interventionists;

4.1.d.1. for grades one through three, counties may choose to employ interventionists instead of ECCATs, aides, or paraprofessionals pursuant to W. Va. Code §18-5-18a(b);

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

4.1.f. establishing an approved list of screeners and/or benchmark assessments in English language arts and mathematics for students in grades kindergarten through three for the purpose of identifying students with a significant reading and/or mathematics deficiency. The screener and/or benchmark assessments shall be given in the first 30 days of the school year and repeated at mid-year and at the end of the school year to determine student progress in reading and mathematics in kindergarten through grade three;

4.1.g. establishing an approved list of dyslexia screeners to be administered to students no less than twice per year in kindergarten through grade three and any time students with identified deficiencies are not responding to interventions;

4.1.eh. maximizing family engagement to result in the development of a culture of literacy and numeracy from birth through ~~third~~ grade three;

4.1.fi. supporting high-quality schools and a workforce prepared to address early literacy, identification of early interventions, and implementation of a system of intervention for children below grade-level proficiency; and numeracy through professional learning for administrators, kindergarten, first, second, and third grade teachers inclusive of the following:

4.1.i.1. the approved benchmark assessment(s) and/or screener(s) including the administration, data analysis, using the data to inform instruction, and identifying students with substantial deficiencies;

4.1.i.2. the science of reading and numeracy to include ECCATs, aides, paraprofessionals, and interventionists pursuant to W. Va. Code §18-5-18a(b);

4.1.i.3. characteristics of dyslexia and dyscalculia and instructional strategies for those students identified; and

4.1.i.4. job-embedded, on-site training on evidence-based reading and mathematics instruction and data-driven decision-making that provides kindergarten through grade three teachers with immediate feedback for improving instruction;

4.1.gj. ensuring the employment of qualified teachers and service personnel in accordance with ~~the provisions of~~ W. Va. Code §18-5-39 and §18a-4-7c to provide instruction to students enrolled in early literacy and numeracy support programs including, but not limited to, ensuring that educator preparation programs prepare candidates seeking licensure for elementary education with training and instruction to:

4.1.j.1. include instruction in state-adopted grade-level content standards, foundational reading and mathematics skills, and how to implement reading instruction using high-quality instructional materials;

4.1.j.2. provide effective instruction and intervention for students with reading and math deficiencies, including students with characteristics of dyslexia or dyscalculia; and

4.1.j.3. understand and use student data to make instructional decisions;

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

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

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

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

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

4.2.a.1. definitions associated with, and an overview of the TSSSELN, which is aligned to ~~and supportive of West Virginia's Campaign for Grade Level Reading and includes as primary components~~ efforts to support school readiness based on West Virginia's Comprehensive Framework for School Readiness; efforts to promote school attendance during the early years to establish positive habits and deter chronic absenteeism; and efforts to ensure ~~opportunities for targeted, sustained extended learning opportunities to provide students with ongoing~~ a multi-tiered system of support with for early literacy and numeracy proficiency development;

4.2.a.2. recommendations to assist counties in maximizing sources of funding, including but not limited to, Public Law 92-318, Elementary and Secondary Education Act of 1965 (ESEA) (as amended by Public Law 114-95, Every Student Succeeds Act of 2015) Title I, Improving Basic Programs Operated by State and Local Educational Agencies; ESEA Title II, Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders; Public Law 108-446, Individuals with Disabilities Education Improvement Act (IDEA) of 2004; and 21st Century Community Learning Centers (21st CCLC) to support a TSSSEL literacy and numeracy proficiency;

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

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

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

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

4.2.b.1. a mechanism to generate classroom, school, county, and state-level reports to indicate progress toward closing the literacy and numeracy achievement gap in West Virginia in pre-k through ~~third~~ grade two, as applicable per W. Va. 126CSR42, Policy 2510, Assuring the Quality of Education: Regulations for Education Programs;

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

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

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

4.3. ~~Utilization of t~~The West Virginia Early Literacy and Numeracy Network of Support ~~is shall encouraged~~ assist in the implementation of WVBE policy requirements at the county level through the following ~~important~~ responsibilities:

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

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

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

4.4. It is the responsibility of county central office staff to plan, deliver, and evaluate the implementation of ~~a TSEEL~~ multi-tiered literacy and numeracy instructional programs in accordance with WVBE policy and WVDE guidance resources ~~as defined in this policy~~. In carrying out this responsibility the county central office staff must address the following established processes that meet the requirements ~~for a~~ of the TSEELN:

4.4.a. a county plan that includes a needs assessment to determine the potential capacity requirements for ~~the~~ a multi-tiered system of support for early learners ~~that addresses the comprehensive, systematic approach to a TSEEL~~, which includes components outlined in ~~West Virginia's Campaign for Grade Level Reading and identified in section 4.1.a~~ including: W. Va. Code §18-2E-10 including:

4.4.a.1. development of a comprehensive, systematic approach to ~~close the reading achievement gap by third grade~~ ensure all students achieve reading and mathematics proficiency by the end of grade three, which targets school readiness, chronic absence, extended learning, and high-quality instruction to include a multi-tiered system of support for all students ~~transformative intervention framework for student and learning supports~~;

4.4.a.2. ensuring all West Virginia children have access to high-quality early learning experiences that focus on creating physically and emotionally healthy learners as part of the school readiness model, resulting in increased populations of children on target for healthy development prior to entering first grade;

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

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

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

4.4.c.1. a county may determine how to implement ~~a~~ the TSSELN by distributing funding and initiatives equally across ~~early readiness grades (pre-k and kindergarten), primary grades (first and second grades), and third grade~~ pre-k through grade three or by selecting specific grade levels for implementation based on needs including, but not limited to the following:

4.4.c.1.A. any student in kindergarten or grades one through three who exhibits a deficiency in reading and/or mathematics at any time, based upon the screeners and/or benchmark assessments, and/or the comprehensive statewide student assessment, and any fourth-grade student promoted for good cause shall receive an individual improvement plan no later than 30 days after the identification of the reading and/or mathematics deficiency;

4.4.c.1.A.1. the improvement plan shall be created by the school SAT and the parent(s) or guardians, and shall describe the research-based reading and mathematics intervention services the student will receive to remedy the reading and/or mathematics deficit;

4.4.c.1.A.2. each student shall receive intensive reading and/or mathematics intervention until the student no longer has a deficiency; and

4.4.c.1.A.3. the reading interventions shall include evidence-based strategies frequently used to remediate reading and/or mathematics deficiencies and includes, but is not limited to, individual instruction, small-group instruction, tutoring, mentoring, or the use of technology that targets specific reading and/or mathematics skills and abilities;

4.4.d. employment and training of highly qualified teachers and service personnel for the delivery of instruction and support including, but not limited to;

4.4.d.1. training in literacy, numeracy, and behavior management techniques;

4.4.d.2. training to gain a strong understanding of how to best utilize the ECCATs, aides, paraprofessionals, or interventionists during classroom instruction and other periods of the day;

4.4.e. family engagement programs supporting early literacy and numeracy development including, but not limited to the following:

4.4.e.1. providing parents and/or guardians with regular updates to inform them of their child's progress toward proficiency in reading and mathematics;

4.4.e.2. ensuring parents and/or guardians are informed of and have access to resources which they may utilize to improve their child's literacy and numeracy skills;

4.4.e.3. ensuring the parents and/or guardians are informed of the importance of students' being able to demonstrate grade level reading and mathematics skills by the end of grade three and the supports available to improve the reading and mathematics skills of children who are not meeting the standards; and

4.4.e.4. the parent and/or guardian of any student in kindergarten through grade three who exhibits a deficiency in reading or mathematics at any time during the school year must be notified in writing no later than 15 days after the identification of the deficiency. The written notification must include the following:

4.4.e.4.A. the student has been identified as having a deficiency in reading and/or mathematics;

4.4.e.4.B. a description of the proposed research-based reading and/or mathematics interventions and/or supplemental instructional services and supports that will be provided to the student to address the identified area(s) of deficiency;

4.4.e.4.C. strategies for parents and/or guardians to use at home to help increase reading and/or mathematics achievement; and

4.4.e.4.D. that if the student's reading or mathematics deficiency is not corrected by the end of grade three, the student may not be promoted to grade four unless an exemption, as outlined in section 4.6, is met;

4.4.f. provision of high-quality educational facilities, equipment, and services to support early literacy and numeracy instructional support programs established pursuant to this section. Extended year programs may be provided at a central location for kindergarten through ~~third~~ grade three who qualify for the program. Counties may not charge tuition for enrollment in ~~early~~ literacy and numeracy instructional support programs established pursuant to this section;

4.4.g. adoption of high-quality instructional materials grounded in scientifically based reading research and aligned to state standards which shall not include practices aligned with the three cueing system of teaching decoding; and

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

4.5. A student in kindergarten through grade three shall ~~who is recommended by the Student Assistance Team (SAT) or the student's classroom teacher for additional assistance in one or more of the key standards of English language arts, including reading, speaking and listening, writing or language,~~ may be required to attend an extended year early literacy and numeracy instructional support program as a condition for promotion if:

4.5.a. the student has been provided additional academic ~~help~~ assistance through ~~an in-~~ interventions offered during the school day or after-school in early literacy and numeracy instructional support programs and, prior to the end of the school year, the SAT or the student's classroom teacher recommends that additional academic help is needed for the student to be successful at the next grade level; and

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

4.5.c. Section 4.5 may not be construed to prohibit a classroom teacher from recommending the grade level retention of a student in kindergarten through grade three based upon the student's lack of mastery of the subject matter, nor may this section be construed to affect a student's Individualized Education Program (IEP) providing;

4.5.c.1. benchmark and/or screener data is used to inform such recommendation of the classroom teacher.

4.6. Effective for the school year beginning July 1, 2026, and thereafter, a public school student who generally demonstrates a minimal understanding and ability to apply grade level English language arts or mathematics knowledge, skills, and abilities, or both, as indicated on the West Virginia General Summative Assessment relative to the West Virginia College- and Career-Readiness Standards at the end of grade three, shall upon the recommendation of the teacher and the SAT be retained in grade three for the ensuing school year subject to the following exceptions:

4.6.a. a student with disabilities whose IEP indicates participation in the statewide alternate summative assessment;

4.6.b. a student identified as an English language learner who has had less than three years instruction in English as a second language;

4.6.c. a student with disabilities who participates in the statewide summative assessment, has an IEP or Section 504 plan (Public Law 110-325, Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act) that reflects that the student has received intensive intervention for more than two years and still demonstrates a deficiency or who was previously retained in kindergarten through grade three;

4.6.d. a student who is in the process of a special education referral or evaluation for placement in special education, has been diagnosed as having a significant impairment, including dyslexia or

dyscalculia, or is a child with a disability if the student's individualized education program team and the student's parent or guardian agree that promotion is appropriate based on the student's IEP;

4.6.e. a student who has received intensive intervention for two or more years, still demonstrates a deficiency, and who was previously retained in any of the grades kindergarten through grade three for a total of two years: provided, that the student shall continue to receive intensive intervention in grade four;

4.6.f. a student who demonstrates an acceptable level of performance on an alternative standardized assessment approved by the WVBE;

4.6.g. a student who attends an extended year learning program following grade three and has attained proficiency; and

4.6.h. a student whose parent or guardian has requested a good cause exemption within the time period established by the county board and the superintendent, or his or her designee, determines that the good cause exemption is in the best interests of the child: provided, that a good cause exemption may not prohibit the grade level retention of a student by a classroom teacher based upon the student's lack of mastery of the subject matter and preparation for the subject matter at the next grade level.

§126-30-5. Severability.

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

**W. Va. 126CSR30, Policy 2512, Tiered System of Support for Early Literacy and Numeracy
Comment Response Form**

Comment Period Ends: September 11, 2023

NOTICE: *Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.*

The following form is provided to assist those who choose to comment on **Policy 2512, Tiered System of Support for Early Literacy and Numeracy**. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

Please check the box below that best describes your role.

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> County Board Member | <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Higher Education |
| <input type="checkbox"/> Superintendent | <input type="checkbox"/> Principal | <input type="checkbox"/> Parent/Family | <input type="checkbox"/> Legislator |
| <input type="checkbox"/> Central Office Staff | <input type="checkbox"/> Teacher | <input type="checkbox"/> Community Member | <input type="checkbox"/> Other |

| COMMENTS/SUGGESTIONS |
|--------------------------------------|
| §126-30-1. General. |
| §126-30-2. Purpose. |
| §126-30-3. Definitions. |
| §126-30-4. General Responsibilities. |
| §126-30-5. Severability. |

**W. Va. 126CSR30, Policy 2512, Tiered System of Support for Early Literacy and Numeracy
Comment Response Form**

Please direct all comments to:

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Office of PK-12 Academic Support
West Virginia Department of Education
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1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: drlambert@k12.wv.us
Telephone No.: 304.558.8098