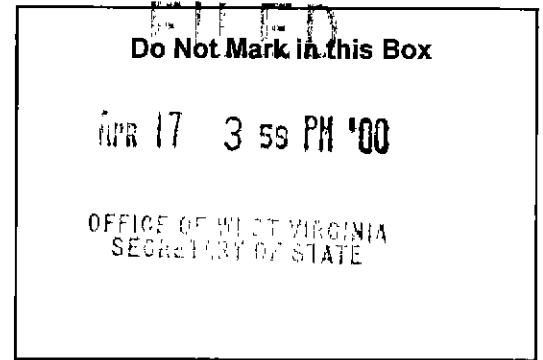


WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2



NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; CITE AUTHORITY: W. Va. Constitution, Article XII, §2, W.Va. Code §18-2-6 and §18-5-19

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 20

TITLE OF RULE BEING AMENDED: Regulations for Alternative Education Programs for Disruptive Students (2418)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 9, 2000 AT 4:45 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Mr. Frank D. Andrews

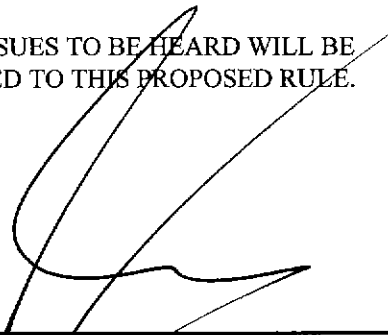
Executive Director

West Virginia Department of Education

1900 Kanawha Boulevard East, Bldg. 6, Room 016

Charleston, West Virginia 25305-0330

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



William J. Luff, Jr.
Associate State Superintendent

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

4.40

**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

POLICY NUMBER AND TITLE: Policy 2418
Regulations for Alternative Education Programs for
Disruptive Students
Proposed Changes in Regulations

PUBLIC COMMENT PERIOD ENDS: June 9, 2000 **ADOPTED:** _____

BACKGROUND:

Policy 2418 was adopted in 1996 to establish regulations for alternative education programs for disruptive students. This policy was directed at implementing the requirements of state legislation, specifically W. Va. Codes § 18-2-6 and § 18-5-19, enacted by the 1996 West Virginia Legislature as part of the Safe Schools' bill. County school districts are in the fourth year of implementation of Policy 2418.

In December of 1999 the State Board of Education formed a committee to review needed changes to Policy 2418 for the purpose of improving the quality of alternative education programs. The committee is comprised of superintendents, principals, directors of alternative education programs, teachers, counselors, and Department staff. The 23-member committee is chaired by State Board of Education members Sheila Hamilton and Paul Morris.

PURPOSE:

The Committee to Improve the Quality of Alternative Education Programs has reviewed the implementation of Policy 2418 and has made recommendations for revisions to the policy to the State Board of Education.

PROPOSED REVISIONS:

The following are the major proposed revisions to Policy 2418:

- Clarifying that the policy governs only alternative education programs for disruptive students;
- Amending the definition of "alternative education program" to provide clarification that these programs are temporary placements for students;
- Clarifying that program flexibility is limited in the area of the education of exceptional students placed in alternative education programs;
- Defining student eligibility criteria for placement in alternative education programs;
- Requiring that placements in alternative education are made by a team, the Alternative Education Placement Team, which may be an existing school team;
- Requiring that county school districts afford parents the opportunity to participate in placement team meetings for alternative education;

- Requiring that students placed in alternative education have an Individual Instruction Plan which includes both academic and behavioral goals and objectives, criteria for re-entry to regular education programs, and provisions for periodic review of student progress;
- Requiring that students placed in alternative education programs participate in the Statewide Assessment Program and that test scores for these students be counted in the results of the home county school of referral;
- Requiring that students in alternative education receive school counseling services and/or other social work or psychological services;
- Clarifying that day school alternative education programs are subject to the provisions of Policy 2510: Assuring the Quality of Education: Regulations for Education Programs as applied through Policy 2320: Performance Based Accreditation System;
- Limiting the eligibility for After-Hours/Night School Classes to expelled students and students who repeatedly violate the county's discipline policy following multiple behavioral interventions and out-of-school suspensions;
- Requiring the opportunity for a minimum of 16 hours of instruction per week for academic and behavioral programs for students placed in After-Hours/Night School Classes;
- Limiting home-based programs to students who are expelled for violations of the Productive and Safe Schools Act (W. Va. Code § 18A-5-1a) and for disruptive students who meet the eligibility criteria for Home/Hospital Instruction under Policy 2510;
- Clarifying that the completion of regular high school graduation requirements and the awarding of a high school diploma for alternative education students are from the home county school of referral; and
- Ensuring that compliance with this policy is monitored through the Performance Based Accreditation System.

FILED

APR 17 4 00 PM '00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

SERIES 20

Regulations for Alternative Education Programs for Disruptive Students (2418)

§126-20-1. General.

1.1. Scope - This policy establishes regulations for alternative education programs for disruptive students.

1.2. Authority - W.Va. Constitution, Article XII, §2; W.Va. Code §18-2-6 and §18-5-19

1.3. Filing Date - ~~August 23, 1996~~

1.4. Effective Date - ~~September 23, 1996~~

~~1.5. Repeal of Former Rule - None. This is a new rule.~~

§126-20-2. Applicability.

2.1. These regulations apply solely to alternative education programs for disruptive students. Nothing in this policy precludes county boards of education from operating alternative education programs for non-disruptive students under other State Board of Education policies and/or waivers to State Board of Education policies.

§126-20-23. Definition.

23.1. Alternative Education Program - An alternative education program is a temporary an authorized departure from the regular school program designed to provide educational and social development for students whose disruptive behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions.

§126-20-34. Purposes.

34.1. The purposes of these regulations is are to: (1) provide a safe and orderly learning environment for the education of all students in the public schools of West Virginia and (2) meet the educational needs of disruptive students through the development of alternative education programs.

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§126-20-45. Flexibility in Program Development.

45.1. Alternative education programs for disruptive students encompass a range of program options such as: in-school suspension; a separate part-time or full-time alternative education classroom; a school-within a school; a school on an alternative site; an after school class/night school program; or a combination academic/work-based program. County boards of education shall have broad flexibility in developing the type or types of alternative education program options needed to meet the needs of disruptive students in the county. County boards of education may request a waiver of State Board of Education policies and regulations in the development and operation of alternative education programs. Such a waiver request does not have to be submitted in accordance with the procedures for requesting waivers stipulated under W.Va. Code §18-5A-3, but may be submitted directly to the State Superintendent of Schools.

5.2. Program flexibility does not extend to modifying the provisions of Policy 2419: Regulations for the Education of Exceptional Students in providing alternative education programs for students with exceptionalities.

§126-20-56. Program Requirements.

56.1. County boards of education establishing alternative education programs shall meet the following requirements:

56.1.1. Policies and Procedures - County boards of education shall adopt policies and procedures for the operation of alternative education programs: in accordance with the provisions of this policy. Policies and procedures shall include, but are not limited to: the goals of the program; the eligibility criteria and process for placement of students in the program including the composition of the Alternative Education Placement Team which may be an existing school team; the involvement of parents and community agencies; length and time of day the after-hours/night school program operates, if applicable; plan for awarding of credits; behavioral management plan as an alternative to the county's discipline policy, if applicable; the staffing plan, personnel qualifications and class size limits; the criteria for completion of the alternative education program or reentry into regular education; and the performance measures and process for program evaluation. The State Superintendent's approval of the county board's policies and procedures is required for authorization to operate an alternative education program under these regulations.

6.1.2. Eligibility for Placement in Alternative Education Programs - Students may be placed in alternative education programs for:

a. violations of the Productive and Safe Schools Act (W.Va. Code §18A-5-1a) in accordance with the provisions of the Act;

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b. repeated violations of the county's discipline policy following documented multiple behavioral interventions by the Student Assistance Team at the referring school; and

c. continuation of educational services during periods of suspension or expulsion.

6.1.3. Placement of Students in Alternative Education Programs

a. Placement decisions, excluding short-term in-school suspensions, shall be made by an Alternative Education Placement Team as defined in the county's policy and procedures. County school districts shall provide for the opportunity for parents to participate in the placement team meeting.

b. The Alternative Education Placement Team shall develop a student's written Individual Instruction Plan which includes academic and behavioral goals and objectives, criteria for re-entry to the regular school program and provisions for periodic review of the student's progress at least on an annual basis.

56.1.24. Curriculum - County boards of education shall have an identified written curriculum for alternative education programs based upon State Board of Education approved instructional goals and objectives. The curriculum shall also include a component for teaching and learning responsible behavior. In addition, the county shall provide for the participation of staff certified in the core subject areas in the development of the academic curriculum and the assessment measures to determine mastery of instructional goals and objectives.

56.1.35. Instruction - County school districts shall deliver instruction in accordance with the following standards:

a. instructional activities shall be consistent with the written curriculum and appropriate for the students' developmental levels;

b. instructional activities shall be consistent with the student's Individual Instructional Plan;

bc. instructional materials shall be age appropriate, functionally appropriate, and of high interest level for students;

cd. the program shall provide for individualized instruction and accommodate the entry and exit of students;

de. curricular and instructional practices shall reflect high expectations for students;

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ef. the instructional program shall be delivered in a climate conducive to learning;
and

fg. sufficient instructional materials, supplies, and equipment shall be available to deliver the instructional program.

6.1.6. State Assessment Program - Students enrolled in alternative education programs shall participate in the State Assessment Program, in accordance with State Board of Education Policy 2340: The Statewide Assessment Program. The test scores for these students shall be counted in the results of the home county school of referral.

~~56.1.47. Support Services - Students in alternative education programs shall have access, as needed, to support services such as receive school counseling services and/or other support services such as school social work or and school psychological services.~~

56.1.58. Special Education - County boards of education shall comply with applicable state and federal laws and regulations in the education of exceptional students placed in alternative education programs.

56.1.69. Personnel

a. Selection Criteria - It is the responsibility of the county board of education to select the most qualified applicant(s) to implement the alternative education program. Classroom teachers shall be selected on the basis of the teachers' demonstration of competence in meeting the following standards:

- A. any West Virginia professional teaching certificate
- B. ability to effect positive behavior in disruptive students
- C. effective leadership and/or mentoring skills in working with youth
- D. successful experience in providing education to troubled or disruptive youth
- E. specialized training or experience in non-traditional programs
- F. specialized training in behavior management skills

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56.1.710. Licensure

a. West Virginia Professional Teaching Certificate - A teacher assigned to deliver the academic subjects within an alternative education program must possess a West Virginia professional teaching certificate in any area.

b. Temporary Authorization - A Temporary Authorization valid for one year shall be granted to the successful candidate(s) for the alternative education program position(s). The employing county superintendent must verify that the applicant possesses the competencies identified in Section ~~5-6.1.69~~.a. The Temporary Authorization may be renewed each year based on the applicant's continued employment in an alternative education program.

6.1.11. Day-School Programs - Alternative Education day school programs are subject to the provisions of State Board of Education Policy 2510 - Assuring the Quality of Education: Regulations for Education Programs as applied through Policy 2320: Performance Based Accreditation System.

~~56.1.812. After-Hours/Night School Classes - County boards of education are authorized to provide alternative education programs after regular school hours for suspended or expelled students and for students who have repeated serious violations of the county's discipline policy following documented multiple behavioral interventions and out-of-school suspensions or as an alternative to suspension or expulsion. (Note that although county boards may provide alternative education to expelled students, counties may not offer alternative education as an alternative to expulsion for students whose misconduct requires mandatory expulsion under the law. Under these circumstances, county boards must first expel the student then provide alternative education.) County boards of education shall provide the opportunity for a minimum of 16 hours of instruction per week for students in After-Hour/Night School programs which includes the allocation of time for academic subjects and social skills/behavioral development. Unless otherwise required by law, regulation, or court order, transportation services for such programs are at the discretion of the county board of education. ~~This section shall not be construed to require county boards of education to provide educational services to suspended or expelled students where such legal obligation is absent.~~~~

6.1.13. Home-Based Programs for Disruptive Students - County boards of education may provide home-based programs solely for students expelled under the Productive and Safe Schools Act (W.Va. Code §18A-5-1a) or for disruptive students who meet the eligibility criteria for Home/Hospital Instruction under State Board of Education Policy 2510 - Assuring the Quality of Education: Regulations for Education Programs.

56.1.914. Units of Credit - County boards of education shall grant units of credit for work satisfactorily completed in an alternative education program. Units of credit based upon mastery of

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performance criteria may be granted as an alternative to the standard units of credit.

56.1.4015. Program Completion - Students may complete an alternative education program in one of the following manners: (a) fulfillment of the criteria for re-entry into the regular school program; (b) completion of regular high school graduation requirements and awarding of a regular high school diploma from the home county school of referral; (c) completion of identified performance criteria leading to a high school diploma; or (d) completion of a GED in accordance with State Board of Education Policy 2444.4: Issuance of High School Equivalent Diplomas, State of West Virginia.

§126-20-67. Accountability for Results.

67.1. Annual Program Evaluation - County boards of education establishing alternative education programs under this policy shall conduct an annual evaluation of the effectiveness of the program (s).

67.2. Accreditation -The State Department of Education shall review compliance with this policy and the effectiveness of alternative education programs through the Performance Based Accreditation System. The alternative education program shall be evaluated on the basis of its stated goals and the provisions of this policy.

67.3. Considerations for Program Evaluation and Accreditation Reviews - The evaluation of the effectiveness of alternative education programs shall focus upon the impact of the program on student performance and results using indicators such as: academic gains; reduction in dropout rates; reduction in incidences requiring disciplinary action; improvement in attendance rates; rates of successful program completion and return to the regular school program; rates of successful completion of vocational training programs; rates of successful completion of high school graduation or attainment of a GED; and rates of successful job placement and job retention.

RESPONSE FORM

Policy 2418: Regulations for the Alternative Education Programs for Disruptive Students

Directions: Please use this form to comment on proposed revision of Policy 2418: Regulations for the Alternative Education Programs for Disruptive Students.

Individual/Organization: _____

Address:

Comments on Policy 2418: Regulations for the Alternative Education Programs for Disruptive Students.

§126-20-2. Applicability.

§126-20-3. Definition.

§126-20-4. Purposes.

§126-20-5. Flexibility in Program Development.

§126-20-6. Program Requirements.

§126-20-7. Accountability for Results.

RETURN BY JUNE 9, 2000 TO:

**Frank D. Andrews, Executive Director
Office of Institutional Education Programs
West Virginia Department of Education
Capitol Complex, Building 6, Room B-016
1900 Kanawha Boulevard East
Charleston, West Virginia 25303-0330**

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

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

SUBJECT Revisions to Policy 2418: Regulations for Alternative Education Programs for Disruptive Students

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

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) N/A

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) N/A

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	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
2 ESTIMATED TOTAL REVENUES	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

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

It is anticipated that county school districts would implement the required proposed policy changes without need for substantial additional resources.

DATE

April 13, 2000

AGENCY

Education

AUTHORIZED REPRESENTATIVE

