WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W.Va. Constitution, Article XII, §2, & W.Va. Code §18-2-6; §18-5-19

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X
CITE STATUTE(s) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
W.Va. Code §§29A-3B-1, et seq.; *W.Va. Board of Education v. Hechler*, 180 W.Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES XX 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: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS August 14, 2000.

Dr. David Stewart
State Superintendent of Schools

$16.00

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

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.

Policy 2418 was placed on comment from April 17, 2000, to June 9, 2000. Twenty-nine (29) comments were received from 14 county school districts, one (1) child care agency and the Department.

PURPOSE:

The Committee to Improve the Quality of Alternative Education Programs reviewed the public comments on June 22, 2000, and has made the following recommendations for revisions to the policy to the State Board of Education. Many comments were received indicating that the proposed revisions to the policy imposed financial and paperwork burdens on county school districts.

PROPOSED REVISIONS ACCEPTED:

The following proposed revisions to Policy 2418 were accepted for inclusion in the policy:

- 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 county school districts afford parents the opportunity to participate in

placement team meetings for alternative education;

- 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;
- 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;
- 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.

PROPOSED REVISIONS WITH MODIFICATION:

The following proposed revisions to Policy 2418 were accepted with modification for inclusion in the policy:

- Requiring that placements in alternative education are made by a team, the Alternative Education Placement Team. The Student Assistance Team or an existing school team may serve this function;
- Requiring that students placed in alternative education have a written plan which includes both academic and behavioral coursework, criteria for re-entry to regular education programs, and provisions for periodic review of student progress;
- Requiring that absent expulsion, students attending day programs have the opportunity to receive a full- time instructional program;
- Requiring that students in alternative education receive school counseling services and/or other social work or psychological services as indicated in the student's written plan;

PROPOSED REVISIONS DELETED:

The following proposed revision was not accepted for inclusion in the policy:

- 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;

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 - July 14, 2000

1.4. Effective Date - August 14, 2000

§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.

§126-20-3. Definition.

3.1. Alternative Education Program - An alternative education program is a temporary 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.

§126-20-4. Purposes.

4.1. The purposes of these regulations 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.

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

5.1. 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 or Section 504 of the Rehabilitation Act of 1973.

§126-20-6. Program Requirements.

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

6.1.1. 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 such as the Student Assistance 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;

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, which may be the Student Assistance 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, which may be the Student Assistance Team, shall develop a student's written plan which includes academic courses and behavioral components, 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. The team for all students with disabilities shall be the IEP team and the written plan shall be the IEP.

6.1.4. 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.

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

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

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

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

f. 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.

6.17. Support Services - Students in alternative education programs shall receive school counseling services and/or other support services such as school social work or psychological services as indicated in the student's written plan.

6.1.8. 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.

6.1.9. 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

6.1.10. 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 6.1.9.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 - Absent expulsion, a student attending an alternative education day school program shall have the opportunity to receive a full-time instructional program and full instructional day.

6.1.12. After-Hours/Night School Classes - County boards of education are authorized to provide alternative education programs after regular school hours for 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. After-Hour/Night School programs shall include the provision of academic coursework and development of social skills/pro-social behavior. Unless otherwise required by law, regulation, or court order, transportation services for such programs are at the discretion of the county board of education.

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.

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

6.1.15. 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.

§126-20-7. Accountability for Results.

7.1. 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).

7.2. 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.

7.3. 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.

FORM HD 201
(10-66)

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	AGENCY	AUTHORIZED REPRESENTATIVE
April 13, 2000	Education	

POLICY *2418: Regulations for Alternative Education Programs for Disruptive Students*
COMMENT LOG
April 17, 2000 to June 9, 2000

ACTION	TYPE
N: No Response	- Negative
NA: Not Accepted	+ Positive
A: Accepted	o Neutral

§126-20-1. General

Date	Individual/Organization	Comments	Action/type	Rationale
05/02/00	Stephen Baldwin, Superintendent Greenbrier County Schools	First of all this policy is an unfunded mandate. We presently offer three hours (3:30 to 6:30 p.m.) Per evening for our program, which is a twelve-hour program Monday through Friday. By adding an additional four hours per week, it will cost $160.00 per week or $5,760 for thirty-six weeks. Also our activity bus runs at 6:30 p.m. for all students (athletes, band, clubs, etc.). We would now have to offer a 7:30 p.m. bus run. (Alternative School from 3:30 to 7:30 p.m., four days a week equals sixteen required hours.) This extra bus run would cost an additional $3,240 in salary for thirty-six weeks, plus the cost of wear and gasoline that could cause the extra run to become cost prohibitive.	A/-	The minimum of 16 hours of instruction per week for after-hours/night school classes has been deleted.
		We wonder why teachers do not want to become administrators; just look at one more meeting to develop a behavioral management plan with an Alternative Education Placement Team as a reason that principal's jobs become impossible. Between IEP's, safety committees, IGO's, testing pressure, required student assistance teams, discipline, an evaluation procedure that requires hours per day to utilize, discipline and attendance problems from both students and employees, besides being both a team player, a strong leader and being told what to do by local Boards and Superintendents, and of course add clubs, sports, coaching and parents who know everything, and you arrive at a point that ten to fifteen thousand dollars between a teacher and an administrator is simply not worth it.	A/-	The wording has been revised to reflect that the Alternative Education Placement Team may be the existing Student Assistance Team or another existing team.
		What happened to the concept that we offer a wonderful 8 a.m. to 3:00 p.m. program, and if some students who choose not to take the opportunity to learn in that time-frame, then why should we set up a superior set of circumstances (yes, I said superior) and place them in an evening setting with greater individual attention, smaller classes, more individual guidance and then add what Policy 2418 wants to require?	N/-	No rationale needed.

§126-20-1. General				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
05/02/00	Stephen Baldwin, Superintendent Greenbrier County Schools	Now, before anyone thinks Greenbrier County is not doing right by our Alternative students, we have a 3:30 to 6:30 p.m. program. All major courses are taught. Students have guidance counselors and Special Education teachers, if needed they can ride the activity bus back to their communities at 6:30 p.m., plus we purchased this school year $ 30,000 worth of software just for the children in this program. Before you believe it has become a "dumping" ground, we have two programs, one at Greenbrier East and ten at Greenbrier West. Fully certified teachers who have been given workshops on our new software teach these classes. Students only rarely spend a full year in this program. We take pride in getting students out as soon as possible and back into the regular school setting.	N/0	No rationale needed.
		I ask that local schools be allowed to continue with their successful programs and not be once again mandated from people who do not know what truly is happening in all fifty-five counties.	N/-	No rationale needed.
5/26/00	Anne Forbes Reed, Kanawha County Schools	I just wanted to let you know that I have read the new proposal for alternative students and I agree with the content. We have had to enhance our online program for homebound and safe school's students using four ILSs and requiring portfolios. We have also had to limit the number of credits a student can receive on our system per semester. We have been taking a lot of heat from schools because all of the alternative school programs are under one WVEIS number so it is impossible to tell who has awarded a student nine credits in three months. By having credits and diplomas come from the home school, it makes it clear where the abuses are coming from. Otherwise, I believe that alternative programs should have individual WVEIS identifiers to keep the statistics separate. Thanks for your time.	N/+	No rationale needed.

§126-20-1. General				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**

§126-20-1. General				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
06/09/00	Denise Ohlsen/School Nurse Riverside High School - Kanawha County Health Services	Proposed Revisions to Policy 2418 Support Services 56.1.47 The statement was made concerning students in alternative education receive school counseling services and/or other social work or psychological services. I support that requirement; however, I feel that the students also require health services provided by a school nurse. I have worked in the alternative education at Riverside High School since January 2000. I teach the School Age Expectant Mothers Program. I have seen a great need in guidance and support for health care. They need encouragement and assistance in seeking health care, prenatal care, applying for insurance. They are not aware of programs such as WIC, medicaid, etc. I also am asked to talk to other students with health issues that require the services of a school health nurse. Some of these problems include vision and hearing (the school nurse does screening and follow-up - we also provide financial assistance information). There is a need for nutrition education, "daily healthy habits" education, such as personal hygiene. They also need assistance with health insurance, i.e. CHIPS, etc. which the school nurse can help with supplying the applications and help complete the forms. These students are usually a high risk behavior population. They may require emergency plans for Special health needs. The staff may need to be trained so that they are educated about the health risks of the students. We are asking that health services provided by school nurses be included under support services for the Alternative Education Program. Thank you for your times concerning this matter.	NA/+	Nothing in the policy prohibits students from accessing health services. The policy language is permissive and only offered examples of support services.

§126-20-2. Applicability				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
4/26/00	Frances Clark, OSE WVDE	Move the statement re: special education (6.1.8) and revise the statement to read that placement of a student with a disability must comply with all federal (IDEA-97) and state laws and regulations (2419	NA/0	The statement is within the content of the policy.
5/08/00	Cari Hauk, Iaeger High School McDowell County Schools	Why isn't there allowances for students who aren't discipline problems, but may only need "at risk" assistance academically, etc. for a short time?	NA/0	The policy language is consistent with §18-2-6 which references disruptive students. Additionally, Section 2.1 of the policy addresses this issue.

§126-20-2. Applicability				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
06/05/00	Tri-County High School, Clarksburg	Add the following: Programs for non-disruptive students will also be governed under Policy 2418. These non-disruptive at-risk students may be defined by the following characteristics: 1. A need for attention and help beyond which the regular educational program can provide. 2. Parents/guardians who exhibit indifferent/negative attitudes toward school performance. 3. Behaviors which persistently interfere with their own learning or with the educational process of others. 4. Low self esteem. 5. Two or more years older than classmates and one or more years behind in grade level. 6. Grade deficiencies (D's or F's) in two or more subjects in the current or previous years. 7. Reading deficiency of two or more years below grade level. 8. Chronic absenteeism. 9. Teen parent.	NA/0	The policy language is consistent with §18-2-6 which references disruptive students. Additionally, Section 2.1 of the policy addresses this issue.
06/12/00	Joyce M. Canter, Charleston	2.1 Can each county design one program that includes both disruptive and other student (ex." dropouts"/at risk for dropping out)?	N/0	Section 2.1 of the policy addresses this issue.

§126-20-2. Applicability				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**

§126-20-3. Definition				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
06/05/00	Ohio County Schools	Adding temporary to the definition is a good addition.	N/+	No rationale needed.
06/08/00	Fayette County Schools – Health Services, Jane Cooper, RN, School Nurse	A definition of "temporary" is needed. Some school staff never want alternative education students to return to the regular school setting.	NA/0	It is the goal of alternative education to return students to the regular school environment as soon as possible and not to create a separate educational system.
06/08/00	Kanawha County Schools - Brenda C. Isaac, RN	There needs to be an explanation of "Temporary". At what point is a placement no longer temporary.	NA/0	It is the goal of alternative education to return students to the regular school environment as soon as possible and not to create a separate educational system.

§126-20-3. Definition				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
06/09/00	David M. Fritsch, Principal Mineral County Alternative School	23.1 The first sentence should be modified to read, "An alternative program is a temporary or long-term authorized departure from the..."	NA/0	It is the goal of alternative education to return students to the regular school environment as soon as possible and not to create a separate educational system.
06/09/00	Bob Miller - Mineral County Schools	Research indicates these programs takes years to change student's behavior, though phrase "a temporary" should be removed.	NA/-	It is the goal of alternative education to return students to the regular school environment as soon as possible and not to create a separate educational system.
06/12/00	Joyce M. Canter, Charleston	3.1 Can each county's plan define temporary?	N/0	The local district can define temporary if they so choose.
06/12/00	Alternative Education Center Raleigh County Schools	What is temporary? Is it one year maximum? If so, can individual counties go beyond one year placements?	N/0	It is the goal of alternative education to return students to the regular school environment as soon as possible and not to create a separate educational system.
		What happens if the student fails to meet the school's exit criteria.	N/0	Local procedures may address this issue.

§126.20-4. Purposes				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**

§126-20-5. Flexibility in Program Development				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
04/26/00	Frances Clark, OSE WVDE	The statement (5.2) about program flexibility for students with disabilities needs to be modified to indicate that placement in an alternative school requires action by the IEP team and must comply with federal and state law, statue and regulations.	A/0	This language has been added to Section 6.1.3.b.
05/31/00	Vic Thompson - Randolph County Schools	Counties need to be able to structure the program because of fiscal constraints, geographical differences, and other factors. The instructional goals and objectives should be the foundation of the program, regardless of its structure. Placement procedures should remain localized.	N/0	Placement procedures are localized with the exception of the policy dictate that a team must be convened. This team may be an existing school team such as the Student Assistance Team.
06/09/00	Bob Miller - Mineral County Schools	The basic required program of study is not feasible for the students. A local-board approved process without the strict IGO requirements that got the student into the original behavioral/academic credit deficit should be allowed.	NA/-	All student's program of studies are based on the State Board of Education approved instructional goals and objectives.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
04/26/00	Frances Clark, OSE, WVDE	6.1.1 must state that the team for all students with disabilities must be the IEP team. The composition of that team must meet federal and state laws, statues and regulations. 6.1.3.a must also indicate that placement decisions for students with disabilities must be made by the child's IEP Team. 6.1.3.b must indicate that the IPP for a student with a disability is the IEP developed by the IEP Team.	A/0	Section 6.1.b has been revised to reflect these comments.
04/27/00	Sandra McQuain, OSE, WVDE	Please add the following: (needed to ensure implementation of 2419) 6.1.3 a & b For an identified exceptional student with a disability, the Alternative Educational Placement Team must be IEP Team. The Individual Instructional Plan for an exceptional student with a disability must be the IEP. (This may conflict with 2419 for gifted, too, but at least it won't conflict with IDEA).	A/0	Section 6.1.b has been revised to reflect these comments.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
05/12/00	Thomas Iles, Greenbrier Co.Schools	Please do not encumber our school systems with the need to complete Individual Instruction Plans. The alternative education program, in most of our smaller school systems, is a small education component that we administer in a very efficient manner. We do no need an unnecessary overlay of paperwork to assist these students. Our disabled students have Individualized Education Programs (IEPs) and we abide by those documents. Our other disruptive students who find themselves in alternative education are there for many varied reasons. We do attend to their core academic subject requirements. We do have a counselor who provides behavioral assistance as needed. Our state mandated IGOs already constitute their instructional goals and objectives. Our alternative education setting, staff and counselors actively see to their behavioral needs. We are efficient and proactive with our students. We do no create our programs as alternative track programs that students continue in year after year. Students start only when a specific violation of a county's discipline policy has occurred. Our superintendent approves of this placement for a very specific period of time. We do not need to do additional, unnecessary paperwork for a student who may be in a program for one grading period. We do not need additional unnecessary paperwork for a student who is a additional, unnecessary paperwork for a student who is a senior, has committed a specific violation, and needs only English to graduate. We do not need IIP forms that take up time and create another bureaucratic issue to be monitored and discussed. Please help us. Do not burden the majority of school systems in this state that have viable programs, with unnecessary paperwork. This revision should be eliminated from Policy 2418.	A/-	A written plan remains in the policy, but the language has been modified to assist counties with meeting this requirement.
		After Hours/Nigh School Classes - This policy change mandates that our school systems shall provide the opportunity for minimum of 16 hours of instruction per week for students. This requirement will exactly double the cost of our current program.	A/-	The minimum of 16 hours of instruction per week for after hours/night school classes has been deleted.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
05/12/00	Thomas Iles, Greenbrier Co.Schools	We spend all of the $35,126 annual entitlement we receive to pay salaries and fixed charges for our current teaching and fixed charges for our current teaching and counseling staff. We cover all of our administrative, texts, utilities and transportation costs with local funds. How can the fiscal note worksheet possibly indicate these changes have no fiscal note effect? That is absolutely not correct. Is the State Board going to double our increased costs. We are barely able to keep our systems fiscally solvent. Please do not jeopardize this situation. We know what our students need. I believe the Department told us that time on task is a variable, not a constant. We do make good decisions for our students in alternative education. Please do not create a minimum hour requirement that will cost our school systems well in excess of a million dollars each year. If this funding can be obtained from the legislature, our school systems will certainly implement the requirement accordingly. This requirement should be eliminated from the revision to Policy 2418. Thank you for your consideration of these requested changes. Please do not hesitate to contact me if I can be of further assistance to you.	N/0	No rationale needed.
05/16/00	Thomas E. Long, Superintendent, Marion Co. Schools	Section 6.1.12 mandates that, "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 progress..." I am opposed to this requirement. This requirement will, without a doubt, unduly place a significant financial cost and burden on county school systems. All of our current entitlement is spent on day time alternative programs. Placing this additional requirement, in my opinion, becomes an unfunded state mandate. If additional hours are required, then adequate funding should be provided by the state. I also believe that the added hours may also result in students who are already at risk of dropping out of school. We make appropriate decisions for students. Let us determine the number of hours.	A/-	The minimum of 16 hours of instruction per week for after hours/night school classes has been deleted.
		Section 6.1.3b requires a written Individual Instruction Plan. Obviously this is required for students who are eligible special education students but should not be a requirement for all alternative education students. We do not need more paperwork for teachers and administrators whose plates are already for too full. Out alternative program meets students' core academic and counseling needs. Your consideration of these comments is appreciated.	A/-	A written plan remains in the policy, but the language has been modified to assist counties with meeting this requirement.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
05/26/00	Carol Thom, Principal Stonewall Jackson Junior High School, Kanawha County	"Temporary" placement some students are incapable of ever functioning successfully in a regular school setting. While many can return to their home school, some should remain in the alternative setting for their own benefit, and that should be an option. It is unrealistic to assume that all students can or should return to regular school.	NA/-	It is the goal of alternative education to return students to the regular school environment as soon as possible and not to create a separate educational system.
		Alternative school students should participate in statewide testing. However, to count their scores in with the home school provides the opportunity for students to "get back" at the home school by purposely scoring low on the tests. Also, the home school would be held accountable for instruction given by the alternative school instruction is possible if test scores are reported by the actual school where the student tested.	A/+ NA/-	This remains in the policy. Returning student test scores to the home school ensures that the school is retaining "ownership" of the student. Since alternative education is a temporary placement, the student should remain linked to the home school.
		Requiring the home school to award a diploma to students who have received the majority of their graduating credits at the alternative school is unethical. It's like granting a Harvard Law Degree when a student only attended one semester. If the majority of credits are earned in alternative school, then the diploma should be awarded rom there. How can the home school guarantee (certify by diploma) instruction when it has not it has not it has not instructed.	A/+	This remains in the policy.
		Requiring placement in alternative school by a team is a fair method. We do that here in Kanawha County, and it works well. Parent participation is encouraged, as it should be.	A/+	This remains in the policy.
		Requiring counseling and/or social/psychological services is critically important. This is excellent.	A/+	This remains in the policy.
		All students do not learn the same way. Regular education is fine for most, but we should provide alternative ways for students who have ability but have chronic discipline problems.	NA/-	All student's program of studies are based on the State Board of Education approved instructional goals and objectives.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
05/30/00	James Phares, Superintendent, Pocahontas County Schools	§126-20-6.1.3b. Individual Instruction Plan – Currently, Policy 2419, Regulations for the Education of Exceptional Students, provides a system for individual education plans (IEP) for student with special needs. The alternative education is a small educational component which does not need the additional burden of maintaining IEP's , supporting documentation and timeline restraints. With existing alternative education programs, there is difficulty in recruiting needed staff for these services. The requirement of IEP's will further complicate the staffing problem and increase costs for operating the program. Furthermore, the disruptive students who are receiving services through alternative education enter the program for varius reasons and time-frames. Funding resources need to be increased for direct instructional needs and not for increased administrative documentation. Currently, Pocahontas County is having considerable difficulty in maintaining the program with the level of funding being received, which brings us to the next major point of concern.	A/-	A written plan remains in the policy, but the language has been modified to assist counties with meeting this requirement.
		10. §126-20-6.1.12 After Hours/Night School Classes - Currently, Pocahontas County Schools operates an alternative program with two staff members. Each staff member provides program activities six hours per week. The policy change, which mandates that all school systems shall provide alternative education opportunities for a minimum of 16 hours of instruction per week for students, increases the costs tremendously. Currently allocations will not permit counties to address this requirement. The funds received now are used to pay salaries and fixed charges for current teachers and/or support staff. Local dollars support administration, textbook, utilities and other unexpected expenses.	A/-	The minimum of 16 hours of instruction per week for after hours/night school classes has been deleted.
		In summary, the above items should be eliminated from the revisions of Policy 2418. The additional hardship of Policy 2418 changes cannot be absorbed by county boards of education, especially those facing a potential deficit. If you have need for additional information, please do not	N/-	No rationale needed.
05/30/00	James Phares, Superintendent, Pocahontas County Schools	hesitate to contact me at your earliest convenience. Thank you for your consideration. Hopefully, the above changes will be reconsidered for the benefit of public school systems and the children they serve.	N/-	No rationale needed.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
05/31/00	Charles K. Heinlein, Principal St. Marys High School, Pleasants County	6:13 – It is simpler to suspend them to convene any team other than SAT for Special Education suspension. When a student accrues more than 15 detentions here per school policy; we currently place in Alternative School for five nights, they also attend regular school. If we had to convene a team, invite parent to discuss what is school policy, this change would make our alternative school short term discipline placements, a process that would be too cumbersome. I would simple suspend out of school. Consider setting the length of placement for these regulations to kick in, otherwise it is an excise in paperwork for a five night placement.	A/- A/-	Section 6.1.3a. and b. have been revised to reflect the Student Assistance Team language. Section 6.1.3.a excludes short-term in-school suspensions from this requirement.
05/31/00	Vic Thompson - Randolph County Schools	The use of certified core staff to set assessment measures is impractical. The need to individualize instruction also requires individualized assessment procedures. Placing required counseling services on schools would amount to an unfunded mandate. The ALC curriculum should include a social skills development component.	NA/ - NA/- NA/+	This remains in the policy. Counseling services should always have been offered to students in alternative education settings. Section 6.1.4 of the policy still includes a curricular component for teaching and learning responsible behavior.
06/02/00	Patricia J. Nutter, RN, Ritchie County Schools	56.1.47 Re Support Services: Students in alternative education programs do need counseling and psychological services but they would benefit also from health services delivered by a certified school nurse. These students may have specific health diagnosis or other health concerns that need /require the services of a school nurse.	NA/0	Nothing in the policy prohibits students from accessing health services. The policy language is permissive and only offered examples of support services.

§126-20-6. Program Requirements

Date	Individual/Organization	Comments	Action/type	Rationale
06/05/00	Tri-County High School, Clarksburg, Harrison County Schools	Under 6.1.2 add "d" to read as follows: D. Meet criteria for non-disruptive at-risk students. (See Applicability 2.1) Under 6.1.3 add the following sentence to letter "b". For non-disruptive at-risk programs, the Alternative Education Placement Team will follow the state mandated Instructional Goals and Objectives and/or county approved Instructional Goals in lieu of the Individual Instructional Plan. Under 6.1.5 change the statement under "b" to include the underlined words as follows: b. Instructional activities shall be consistent with the student's Individual Instructional Plan <u>where applicable.</u>	NA/0	The policy language is consistent with §18-2-6 which references disruptive students. Additionally, Section 2.1 of the policy addresses this issue.
		Under 6.1.10 part "b", add the following statements at the end: Permanent certification will be granted after three-consecutive years of employment in an alternative education program. (Teachers currently holding a temporary authorization of three or more years will be granted a permanent certificate.)	NA/0	This section of the policy was not subject to comment as no revisions were drafted.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
06/05/00	Angela Cavender, R.N. Kanawha County Schools	I applaud the language of the addition of Support Services to the Alternative School Programs. This has been long overdue. However, I would like to see the addition of School Health Services/School Nursing Services added to the language.	NA/+	Nothing in the policy prohibits students from accessing health services. The policy language is permissive and only offered examples of support services.
		Many students in the alternative school programs engage in high risk behaviors. Drug and alcohol abuse is just one example. Students also have chronic health problems such as diabetes, asthma, etc., that may require the development of a health care and emergency plan. Some health problems would require the school nurse to evaluate, delegate, train and supervise unlicenced personnel to carry out the health care plan.	N/0	No rationale needed.
		The certified school nurse is the appropriate staff member to evaluate, interpret, medical/health needs, develop health care plans, train and supervise health procedures, and act as a member of the educational team. Please consider the addition of school health services provided by the certified school nurse to the language of this policy.	NA/+	Nothing in the policy prohibits students from accessing health services.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
06/05/00	Ohio County Schools	6.1.1 – An Alternative Education Placement Team is an excellent component. Additinally, awarding of credits must be addressed in after hour/night school to ensure the possibility of garnering credits in a manner that will enable a student to graduate in a timely manner.	A/+ NA/+	This remains in the policy. Section 6.1.14 of the policy addresses units of credit for all alternative education programs.
		6.1.2 - The three eligibility criteria are very reasonable. The involvement of SAT is a good addition to the regulation.	A/+	This remains in the policy.
		6.1.3 – Adding the Alternative Education Placement Team, parent involvement, and a written Individual Instruction Plan that includes academic and behavior information ensures appropriate and propre placement of students. The inclusion of re-entry criteria provides specific expectations for parents and students.	A/+	This remains in the policy.
		Although this section adds paperwork and meeting time to the process it is a positive addition.	N/+	No rationale needed.
		6.1.12 – This requires over three hours of daily instruction for after hour/night school plus transportation by the County Board of Education. This could create a definite burden for counties.	A/-	The minimum of 16 hours of instruction per week for after-hours/night school classes has been deleted.
		6.1.13 – Limiting Home Based programs for expelled students only eliminates an option, though not frequently used, it was an option.	NA/-	Home-based programming is an extremely restrictive option and should only be used in severe circumstances or as prescribed by a licensed physician when home/hospital services are needed.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
06/08/00	Kathleen H. Poole, Burlington United Methodist Family Services, Inc.	This letter is written as a response to WV Board of Education Policy 2418, Regulations for Alternative Education Programs for Disruptive Students.	N/0	No rationale needed.
		Regarding the proposed revisions, my concern is with the required high school curriculum as currently by Program of Study requirements. Students placed in alternative school classes will be required to have a Individual Instruction Plan approved by a school committee to address behavioral and academic goals and objectives, according to Policy 2418. I believe, from my experience with children with special needs in both middle and high school settings, the individual goals and objectives of an individualized plan in an alternative school should focus on social/emotional learning, conflict resolution, self-esteem building, and life skills. These skills appear to be predominant barriers to students' success within the school sitting.	NA/-	All student's program of studies are based on the State Board of Education approved instructional goals and objectives. Nothing in this policy prohibits teaching other skills in addition to academic and behavioral.
		The time spent out of the regular education setting may interfere with the required credits needed for graduation under the Program of Study curriculum. I would like the Board to consider individualizing credits within the Program of Study for students placed in alternative school classrooms. The development of an Individual Instruction Plan could replace curriculum requirements under the Program of Study and enable students to return to the regular school setting without being penalized.	NA/0	Section 6.1.14 of the policy addresses units of credit for all alternative education programs.
		The length of stay for each student placed in an alternative education setting should be decided through a team approach with frequent review of progress. Students' length of stay within the alternative school setting should be monitored for individual progress and mastery of identified goals within the Individual Instruction Plan and not dependent upon pre-determined requirements for placement.	NA/-	Section 6.1.3.b addresses this issue. The placement team does make these determinations.
		Additional concern in reviewing the revision to Policy 2418 is the minimum of 16 hours of instruction per week for students placed in After-Hours/Night School Classes. It has been my experience that students requiring school placement are not able to cope effectively with this excessively with this excessive amount of instruction. From experience this year, two to three evenings per week for two to three hours per session was all these students could handle with success and maintain emotional stability. Critical to the limited academic instruction time in a classroom setting is the requirement for school counseling services and/or other social work or psychological services. These students with on-going emotional and social issues which	A/-	The minimum of 16 hours of instruction per week for after-hours/night school has been deleted.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
06/08/00	Kathleen H. Poole, Burlington United Methodist Family Services, Inc.	Thank you for your consideration in this matter	N/0	No rational needed.
06/06/00	Riverside High School, Kanawha County Schools	Most students in the alternative program are not focused on learning. They simply do not care about receiving a good education. Most of the students in the program at our school have disruptive, rude, incorrigible.	N/-	No rationale needed.
		They enter the building and continue down the halls cursing, behaving in a belligerent manner. They show and let you know they are here merely to "hang out". They put forth very little effort. They do NOT receive the same work. They laugh if you have high expectations. They will bring test scores for home schools down. They will be proud!	N/-	No rationale needed.
		Many students in regular day school do things deliberately to get in trouble. They ask if this will put them over the top or get them placed in night school. They comment that they don't like to get up early. Night school is shorter and easier. They still can party into the night. What an enabler!	N/-	No rationale needed.
		I think the alternative program needs to be recognized as such. It is not fair for the hard-working, focused, serious students who attend school to learn daily to be compared, evaluated with alternative students. The litter, disrespect of building is deplorable. They sit on top of desks. The lie across teacher desks and cabinets. They usually watch M.T.V. or B.E.T. They are disrespectful and make remarks like "what are you looking at?" if you show any disapproval.	N/-	No rationale needed.
		We very rarely spend time praising the good students in the school system. We reward the bad kids and ignore the good kids. This is WRONG. It needs to be addressed. Alternative students should attend regular hours and do regular work. Don't make the program so attractive so them. Non-conformity is okay to a degree but it is not a license to spoil traditional, regular expectations and values.	NA/-	After-hours/night school classes remain an option in this policy. The majority of the state is electing to use this option for alternative education programming.
		Alternative program needs to be either upgraded expectation wise – or noted asa a separate entity.	A/-	These revisions to this policy do upgrade expectations.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
06/08/00	Fayette County Schools, Health Services, Jane Cooper, RN, School Nurse	Support Services 6.1.7 – The holistic approach to the needs of these students is not addressed. These students often have health problems requiring medication, onsite assessment or assistance, specialized health care procedures, etc. Who will instruct the teacher on these needs? WVDE Policy 2422.7 delineates standards for school nurses to assess students' health needs and defines nursing responsibility in the provision of care. Yes, psychological services are important; however, these students must be provided access to school nurses. The teachers must be trained by a certified school nurse if a procedure or health maintenance plan is indicated for a student–this could range from an anaphylactic reaction to bees, a seizure disorder, asthma, pregnancy, diabetes, etc. Nurses are well trained in the area of mental health; they need to be included in your holistic plan for these students within the alternative education program.	NA/-	Nothing in the policy prohibits students from accessing health services. The policy language is permissive and only offered examples of support services.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
06/05/00	Ritchie County Schools Don Chapman, Director of Student Services and Davis Weekly, Director of Special Education/Attendance	We have taken the opportunity to review the proposed regulation revisions for Policy 2418: Regulations for Alternative Education Programs for Disruptive Students. We feel the need to comment on these proposals.	N/0	No rationale needed.
		Our first area of concern is Section 126-20-6.1.36 the Individual Instruction Plan. The Individual Instruction Plan seems very similar to the Special Education Individual Education Plan. We have found IEPs can be very time consuming. This section would place undo paperwork burden on staffs that are already stretched to their limitations. Most counties, particularly the smaller ones, must operate their alternative programs on very small budgets. Administrators work diligently to meet the needs of students who are placed in alternative schools. Mandating an Individual Instruction Plan only places another unneeded level of bureaucracy upon school systems. We recommend this section be removed from the revisions of 2418.	NA/-	A written plan remains in the policy, but the language has been modified to assist counties with this requirement.
		Our second area of concern is Section 126020-6.1.12. This mandates that county boards provide the opportunity for a minimum of 16 hours of instruction per week. In our opinion, some students would not be successful under these time requirements. Counties should have the flexibility to determine the needed number of hours of instruction for each student placed in an alternative setting. In addition, Section 1265-210-12 would prove to be a fiscal burden to already financially troubled counties. This section should also be removed from the Policy 2418 revisions.	NA/-	The minimum of 16 hours of instruction per week for after-hours/night school classes has been deleted.
		As educators we all have the best needs for children in mind. We do not believe these new revisions ultimately meet all children's needs. Thank you for your time. Please contact is if you have further questions.	N/-	No rationale needed.
06/08/00	Kanawha County Health Service – Susan Santrock, School Nurse	As a school nurse at St. Albans High and also at St. Albans Academy Program, I find students in the Academy program have usually <u>more</u> health problems that day school students. I have frequently dealt with students with health concerns involving pregnancy, STD's, abuse (drug), taking psychotropic and antidepressants. I frequently counsel students regarding very sensitive health issues that most counselors are not knowledgeable about. I feel these students require a full-time school nurse to help them deal with all the crises they deal with each day that effects their health!	NA/-	Nothing in the policy prohibits students from accessing health services. The policy language is permissive and only offered examples of support services.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
06/08/00	Kanawha County Schools Patricia Petty, Assistant Superintendent	Please add to 6.1.7. Add Health services as one of the services the student should receive.	NA/0	Nothing in the policy prohibits students from accessing health services. The policy language is permissive and only offered examples of support services.
		Add to 6.1.15: Students completing requirements may graduate with the graduating class of the home school. (One concern is that some high schools exclude these students, even when requirements are met).	A/+	This remains in the policy.
06/08/00	Kanawha County Schools - Brenda C. Isaac, RN	I applaud inclusion of the Student Assistance Team. Interventions should be developed and implemented prior to any placement.	N/+	No rationale needed.
		6.1.7 Support Services should also include school health services as provided by a certified school nurse. These at risk student have multiple health concerns which must be addressed. State law 18-5-22 provides for school health services for all students and federal statute requires school nurse participation for IEPs and 504 plans. Counseling and psychological services are essential as are school nurse services	NA/0	Students in alternative education settings are not excluded from school health services.
06/08/00	Diane Boggs, RN-Kanawha County Schools	I feel you need to add School Health Services/ School Nurse under Support Services because there are many students in the alternative program that have chronic illnesses, such as diabetes, asthma, seizures, etc; many students who take long term medications. In order for there to be a safe environment for students to learn a nurse needs to be included.	NA/0	Nothing in the policy prohibits students from accessing health services. The policy language is permissive and only offered examples of support services.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
06/09/00	David M. Fritsch, Principal Mineral County Alternative School	An alternative school is not able to address all of the State Board of Ed. approved instructional goals and objectives. Perhaps better wording of the sentence would be students assigned to an alternative school shall have an individually designed curriculum which addresses as many of the State Board of Education approved instructional goals and objectives as the team determines are appropriate for that student. The Curriculum shall also include..."	NA/-	All student's program of studies are based on the State Board of Education approved instructional goals and objectives.
		Because the regular school programs of study are so rigorous and require specialized instructions from teachers who are knowledgeable in many content areas. Alternative schools need to be able to focus their curriculum (for some students) on a GED diploma. This is implied in 6.1.15, but it should be clarified. In order for a student to work soley toward a GED diploma, the approval of the Alternative Placement Team should be required.	NA/-	Section 6.1.15 of the policy stipulates various means by which students may complete program requirements. GED completion is one of these options. The Alternative Education Placement Team will develop all student plans including those who choose the GED option.
		6.1.12 For students that have been expelled from school and attend after hours school hours programs an opportunity should be provided for a minimum of 6 hours of instruction per week.	NA/-	The minimum of 16 hours of instruction per week for after-hours/night school classes has been deleted. No minimum time requirement is prescribed.
		6.1.5 An AIEP should be substituted for an individual instructional Plan for students who are eligible for special education services.	A/0	Section 6.1.3.b. has been revised to reflect these comments.
06/09/00	Bob Miller - Mineral County Schools	16 hours is not effective; these students need flexibility; 6-8 hours is sufficient as a requirement for minimal offering.	NA/-	The minimum of 16 hours of instruction per week for after-hours/night school classes has been deleted. No minimum time requirement is prescribed
06/12/00	Alternative Education Center Raleigh County Schools	If the program is temporary why offer a total school curriculum? The focus should be on the basic skills and social skills designed to encourage students re-entry into their home school. For example, substituting elective classes for social skills and basic skills classes.	A/0	Section 6.1.11 of the policy has been revised and the component regarding alternative education day schools subject to all provisions of Policy 2510 has been deleted.
		Personnel - Teachers who have taught 2 years or more in an alternative setting should receive either a permanent certificate (authorization) or an alternative certificate similar to the "Taco Bell" certificate. Alternative Education teachers have to pay each year (it's now $15.00) for an authorization even when they are teaching in their own field.	NA/0	This section of the policy was not subject to comment as no revisions were drafted.

§126-20-6. Program Requirements				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
06/14/00	Nancy Bradshaw - Upshur County School Health	6.1.7 Support services also need to include school health services since these are at-risk students due to many factors such as but not limited to pregnancy, already being a parent, mental health issues as well as physical health issues, and on prescription drugs. These students receive specialized health care procedures, for example, long-term and and emergency medications. The Basic and Specialized Health Care Procedure Manual for West Virginia Public Schools is to be utilized as the minimum standard for safe practice as approved by the West Virginia Board of Education Policy 2422.7 and adopted by the State Bureau for Public Health in the Specialized Health Procedures in Public Schools Rule, 64 W. Va.. CSR 66.	NA/0	Nothing in the policy prohibits students from accessing health services. The language is permissive and only offered examples of support services.
		Many times students are eligible for a 504 Plan. School nurses have a strong mental health background and provide counseling and referrals for both physical and mental health issues. School nurses provided a major component in assuring that all students benefit from an equal educational experience.	N/0	No rationale needed.

§126-20-7. Accountability for Results				
Date	**Individual/Organization**	**Comments**	**Action/type**	**Rationale**
05/31/00	Vic Thompson, Randolph County Schools	Requiring an ALC program and giving limited funding does not allow for an equitable program. Also, the behavior of the students is atypical, which justifies an alternate program and not having their scores aggregated with other students. These students should be tested and norm-reference scores should be returned for them.	NA/-	Returning student test scores to the home school ensures that the school is retaining "ownership" of the student. Since alternative education is a temporary placement, the student should remain linked to the home school.
06/08/00	Kanawha County Schools Patricia Petty, Assistant Superintendent	Add a 7.4: Violations of these policies will be reported by parents, students, staff or citizens to the county superintendent who must resolve the issues in three days. (This will prevent stalling tactics).	NA/0	Counties retain flexibility in matters relating to policy violations.
		Add a 7.5: Exemplary programs will be eligible for grants given by the West Virginia Department of Education to enhance and develop notable programs.	NA/0	The WV Legislature in the 2000 regular session revised its allocation to the Department. All competitive grant money was deleted and was added to the entitlement section for distribution.

MAY 1 9 2000

MARION COUNTY BOARD OF EDUCATION

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THOMAS E. LONG
SUPERINTENDENT

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May 16, 2000

Mr. Frank Andrews, Executive Director
West Virginia Department of Education
Office of Institutional Education Programs
1900 Kanawha Blvd. East
Building 6, Room 016
Charleston, West Virginia 25305-0330

Dear Mr. Andrews:

This is in response to the proposed changes for State Board of Education Policy 2418.

Section 6.1.12 mandates that, "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 progress ..." I am opposed to this requirement. This requirement will, without a doubt, unduly place a significant financial cost and burden on county school systems. All of our current entitlement is spent on day time alternative programs. Placing this additional requirement, in my opinion, becomes an unfunded state mandate. If additional hours are required, then adequate funding should be provided by the state. I also believe that the added hours may also result in students who are already at risk of dropping out of school. We make appropriate decisions for students. Let us determine the number of hours.

Section 6.1.3b requires a written Individual Instruction Plan. Obviously this is required for students who are eligible special education students but should not be a requirement for all alternative education students. We do not need more paperwork for teachers and administrators whose plates are already far too full. Our alternative program meets students' core academic and counseling needs.

Your consideration of these comments is appreciated.

Sincerely,

Thomas E. Long
Superintendent

TEL:ssh

Ritchie County Schools

134 South Penn Avenue, Harrisville, WV 26362
Glen Alan McClung, Superintendent

Telephone 304-643-2991
Fax 304-643-2994

June 5, 2000

Frank Andrews, Executive Director
Office of Institutional Education Programs
West Virginia Department of Education
Charleston, WV 25305-0330

Dear Mr. Andrews:

We have taken the opportunity to review the proposed regulation revisions for Policy 2418: Regulations for Alternative Education Programs for Disruptive Students. We feel the need to comment on these proposals.

Our first area of concern is Section 126-20-6.1.36 the Individual Instruction Plan. The Individual Instruction Plan seems very similar to the Special Education Individual Education Plan. We have found IEPs can be very time consuming. This section would place undo paperwork burden on staffs that are already stretched to their limitations. Most counties, particularly the smaller ones, must operate their alternative programs on very small budgets. Administrators work diligently to meet the needs of students who are placed in alternative schools. Mandating an Individual Instruction Plan only places another unneeded level of bureaucracy upon school systems. We recommend this section be removed from the revisions of 2418.

Our second area of concern is Section 126-20-6.1.12. This mandates that county boards provide the opportunity for a minimum of 16 hours of instruction per week. In our opinion, some students would not be successful under these time requirements. Counties should have the flexibility to determine the needed number of hours of instruction for each student placed in an alternative setting. In addition, Section 126-20.12 would prove to be a fiscal burden to already financially troubled counties. This section should also be removed from the Policy 2418 revisions.

As educators we all have the best needs for children in mind. We do not believe these new revisions ultimately meet all children's needs. Thank you for your time. Please contact us if you have further questions.

Don E. Chapman
Director of Student Services

David B. Weekley
Director of Special Education/Attendance

Greenbrier County Schools

Stephen L. Baldwin, Superintendent

May 2, 2000

Dr. 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

Dear Dr. Andrews:

Please accept this letter as comments on Policy 2418 "Regulations for the Alternative Education Programs for Disruptive Students".

First of all this policy is an unfunded mandate. We presently offer three hours (3:30 to 6:30 p.m.) per evening for our program, which is a twelve-hour program Monday through Friday. By adding an additional four hours per week, it will cost $160 per week or $5,760 for thirty-six weeks. Also, our activity bus runs at 6:30 p.m. for all students (athletes, band, clubs, etc.). We would now have to offer a 7:30 p.m. bus run. (Alternative School from 3:30 to 7:30 p.m., four days a week equals sixteen required hours.) This extra bus run would cost an additional $3,240 in salary for thirty-six weeks, plus the cost of wear and gasoline that could cause the extra run to become cost prohibitive.

We wonder why teachers do not want to become administrators; just look at one more meeting to develop a behavioral management plan with an Alternative Education Placement Team as a reason that principal's jobs become impossible. Between IEP's, safety committees, IGO's, testing pressure, required student assistance teams, discipline, an evaluation procedure that requires hours per day to utilize, discipline and attendance problems from both students and employees, besides being both a team player, a strong leader and being told what to do by local Boards and Superintendents, and of course add clubs, sports, coaching and parents who know everything, and you arrive at a point that ten to fifteen thousand dollars between a teacher and an administrator is simply not worth it.

What happened to the concept that we offer a wonderful 8:00 a.m. to 3:00 p.m. program, and if some students who choose not to take the opportunity to learn in that timeframe, then why should we set up a superior set of circumstances (yes, I said superior) and place them in an evening setting with greater individual attention, smaller classes, more individual guidance and then add what Policy 2418 wants to require?

Now, before anyone thinks Greenbrier County is not doing right by our Alternative students, we have a 3:30 to 6:30 p.m. program. All major courses are taught. Students have guidance counselors and Special Education teachers, if needed they can ride the activity bus back to their communities at 6:30 p.m., plus we purchased this school year $30,000 worth of software just

P. O. Box 987 • Lewisburg, WV 24901 • (304) 647-6470 • Fax (304) 647-6490

for the children in this program. Before you believe it has become a "dumping" ground, we have two programs, one at Greenbrier East High School and the other at Greenbrier West High School. Presently, only twelve students are at Greenbrier East and ten at Greenbrier West. Fully certified teachers who have been given workshops on our new software teach these classes. Students only qualify by arriving at a Step Five or Six of our Discipline Policy and must go through the four or five discipline steps prior to qualifying for Alternative School. Our students rarely spend a full year in this program. We take pride in getting students out as soon as possible and back into the regular school setting.

I ask that local schools be allowed to continue with their successful programs and not be once again mandated from people who do not know what truly is happening in all fifty-five counties.

Sincerely,

Stephen Baldwin
Superintendent

SB:ps

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: Bob Miller; Mineral Co. Schools

Address:

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

§126-20-2. Applicability.

§126-20-3. Definition.

Research indicates these programs take years to change students' behaviors the phrase "a temporary" should be removed.

§126-20-4. Purposes.

page two

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

The basic required Program of Study is not feasable for these students. a local-board approved process without the strict IEO requirements that got the student into the original behavioral/academic credit deficit should be allowed.

§126-20-6. Program Requirements.

16 hours is not effective; these students need flexibility; 6-8 hours is sufficient as a requirement for minimal offering

§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

Frank Andrews

From: Anne Forbes Reed [areed@access.k12.wv.us]
Sent: Friday, May 26, 2000 1:02 PM
To: fandrews@access.k12.wv.us
Subject: OASIS

Anne Forbes Reed.vcf

Frank,

I just wanted to let you know that I have read the new proposal for alternative students and I agree with the content. We have had to enhance our online program for homebound and Safe School's students using four ILSs and requiring portfolios. We have also had to limit the number of credits a student can receive on our system per semester. We have been taking a lot of heat from schools because all of the alternative school programs are under one WVEIS number so it is impossible to tell who has awarded a student 9 credits in 3 months. By having credits and diplomas come from the home school, it makes it clear where the abuses are coming from. Otherwise I believe that alternative programs should have individual WVEIS identifiers to keep the statistics separate. Thanks for your time.

Anne

APR 2 7 2000

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: Sandra McQuain

Address: WVDE

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

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§126-20-2. Applicability.

---

§126-20-3. Definition.

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§126-20-4. Purposes.

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

§126-20-6. Program Requirements. (needed to ensure implementation of 2419)

Please add the following:

6.1.3. a & b For an identified exceptional student with a disability, the Alternative Educational Placement Team must be the IEP Team.

the Individual Instructional Plan for an exceptional student with a disability must be the IEP.

(This may conflict with 2419 for gifted, too, but at least it won't conflict with IDEA)

§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

Administrative Offices and Residential Programs
Burlington United Methodist Family Services, Inc.
P.O. Box 96, Burlington, WV 26710-0096
(304) 289-3511 FAX (304) 289-3903

June 8, 2000

To Whom It May Concern:

This letter is written as a response to WV Board of Education Policy 2418, Regulations for Alternative Education Programs for Disruptive Students.

Regarding the proposed revisions, my concern is with the required high school curriculum as currently by Program of Study requirements. Students placed in alternative school classes will be required to have an Individual Instruction Plan approved by a school committee to address behavioral and academic goals and objectives, according to Policy 2418. I believe, from my experience with children with special needs in both middle and high school settings, the individual goals and objectives of an individualized plan in an alternative school should focus on social/emotional learning, conflict resolution, self-esteem building, and life skills. These skills appear to be predominant barriers to students' success within the school setting.

6.

The time spent out of the regular education setting may interfere with the required credits needed for graduation under the Program of Study curriculum. I would like the Board to consider individualizing credits within the Program of Study for students placed in alternative school classrooms. The development of an Individual Instruction Plan could replace curriculum requirements under the Program of Study and enable students to return to the regular school setting without being penalized.

6.

The length of stay for each student placed in an alternative education setting should be decided through a team approach with frequent review of progress. Students' length of stay within the alternative school setting should be monitored for individual progress and mastery of identified goals within the Individual Instruction Plan and not dependent upon pre-determined requirements for placement.

6.

Additional concern in reviewing the revision to Policy 2418 is the minimum of 16 hours of instruction per week for students placed in After-Hours/Night School Classes. It has been my experience that students requiring school placement are not able to cope effectively with this excessive amount of instruction. From experience this year, two to three evenings per week for two to three hours per session was all these students could handle with success and maintain emotional stability. Critical to the limited academic instruction time in a classroom setting is the requirement for school counseling services and/or other social work or psychological services. These students present with on-going emotional and social issues which directly affect their ability to cope in regular education settings.

6.

Thank you for your consideration in this matter.

Sincerely,

Kathleen H Poole

Kathleen H. Poole
Education Coordinator

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 th Alternative Education Programs for Disruptive Students.**

Individual/Organization: Alternative Education Center

Address:
PO Box 338
Sophia, West Virginia 25921

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

§126-20-2. Applicability.

§126-20-3. Definition.

What is temparary? Is it one year maximum? If so, can can individual counties go beyond one year placements? Can parents request longer placement?
What happens if the student fails to meet the school's exit criteria?

§126-20-4. Purposes.

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

§126-20-6. Program Requirements. If the program is temporary why offer a total school curriculum? The focus should be on basic skills and social skills designed to encourage students re-entry into their home school. For example, substituting elective classes for social skills and basic skills classes.

Personnel - Teachers who have taught 2 years or more in an alternative setting should receive either a permanent certificate (authorization) or an alternative certificate similar to the "Jack Bell" certificate.

§126-20-7. Accountability for Results.

Alternative Education teachers have to pay each year (it's now $15.00) for an authorization even when they are teaching in their own field.

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

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: Angela Cavender R.N.

Address:

964 Chapps Fk. Rd. Charleston, WV 25312

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.

I applaud the language of the addition of Support Services to the Alternative School Programs. This has been long overdue. However, I would like to see the addition of School Health Services /School Nursing Services added to the language.

Many students in the alternative school programs engage in high risk behaviors. Drug and alcohol abuse is just one example. Students also have chronic health problems such as diabetes, asthma, etc. that may require the development of a health care and emergency plan.Some health problems would require the school nurse to evaluate, delegate, train and supervise unlicensed personnelto carry outthe health care plan.

The certified school nurse is the appropriate staff member to evaluate, interpret, medical/health needs, develop health care plans, train and supervise health procedures, and act as a member of the educational team. Please consider the addition of school health services provided by the certified school nurse to the language of this policy.

§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

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: Ohio County Schools

Address:

2203 National Road

Wheeling, WV 26003

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

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§126-20-2. Applicability.

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: Ohio County Schools

Address:

2203 National Road

Wheeling, WV 26003

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

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§126-20-2. Applicability.

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§126-20-3. Definition.

Adding temporary to the definition is a good addition.

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§126-20-4. Purposes.

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

§126-20-6. Program Requirements.

See attached

§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

Program Requirements

6.1.1

An Alternative Education Placement Team is an excellent component. Additionally, awarding of credits must be addressed in after hour/night school to ensure the possibility of garnering credits in a manner that will enable a student to graduate in a timely manner.

6.1.2

The three eligibility criteria are very reasonable. The involvement of SAT is a good addition to the regulation.

6.1.3

Adding the Alternative Education Placement Team, parent involvement, and a written Individual Instruction Plan that includes academic and behavior information ensures appropriate and proper placement of students. The inclusion of re-entry criteria provides specific expectations for parents and students.

Although this section adds paperwork and meeting time to the process it is a positive addition.

6.1.12

This requires over three hours of daily instruction for after hour/night school plus transportation by the County Board of Education.

This could create a definite burden for counties.

6.1.13

Limiting Home Based programs for expelled students only eliminates an option, though not frequently used, it was an option.

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: Riverside HS

Address:

One Warrior Way
Belle, WV 25015

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

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§126-20-2. Applicability.

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§126-20-3. Definition.

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§126-20-4. Purposes.

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

§126-20-6. Program Requirements.

most students in the alternative program are not focused on learning. They simply do not care about receiving a good education. most of the students in the program at our school are disruptive, rude, incorrigible. They enter the bldg. + continue down the halls cursing, behaving in a belligerent manner. They show and let you know they are here merely to "hang out." They put forth very little effort. They do NOT receive the same work. They laugh if you have high expectations. They will bring test scores for home schools down. They will be proud!

many students in regular day school do things deliberately to get in trouble. They ask if this will put them out the top + get them placed in night school. They comment that they don't like to get up early. Night school is shorter, easier. They still can party into the night. what an enabler!

I think the alternative program needs to be recognized as such. It is not fair for the hard-working, focused, serious students who attend school to learn daily to be compared, evaluated with alternative students.

§126-20-7. Accountability for Results.

* The litter, disrespect of bldg. is deplorable. They sit on top of desks. They lie across teacher desks + cabinets. They usually watch M.T.V. or B.E.T. They are disrespectful + make remarks like "what are you looking at?" if you show any disapproval.

we very rarely spend time praising the good students in the school system. we reward the bad kids and ignore the good kids. This is WRONG. It needs to be addressed. Alternative students should attend regular hours and do regular work. Don't make the program so attractive to them. Non-conformity is okay to a degree but it is not a license to spoil traditional, regular expectations and values.

RETURN BY JUNE 9, 2000 TO:

Frank D. Andrews, Executive Director
Office of Institutional Education Programs
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Alternative Program needs to be either upgraded expectation wise — or noted as a separate entity.

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: WV Bd of Ed / School Nurse - Susan Sandrock, RN Area 3 Kanawha Co

Address:

Kanawha Co. Health Service

200 Elizabeth St. Charleston, WV 25311

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

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§126-20-2. Applicability.

---

§126-20-3. Definition.

---

§126-20-4. Purposes.

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

* §126-20-6. Program Requirements.

As a school nurse @ St. Albans High School and also @ St. Albans Academy program I find students in the Academy program have usually more health problems than day school students. I have frequently dealt with students with health concerns involving pregnancy, STD's, abuse (drug), taking psychotropic + antidepressants. I frequently counsel students re: very sensitive health issues that most counselors are not knowledgable about. I feel these students require a full-time school nurse to help them deal with all the crises they deal with each day that effects their health!

§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

RESPONSE FORM

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

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

Individual/Organization: Patricia Petty, Assistant Superintendent

Address: Kanawha County Schools
200 Elizabeth Street
Charleston, WV 25311

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

§126-20-2. Applicability.

§126-20-3. Definition.

A definition of "temporary" is needed. Some school staff never want alternative education students to return to the regular school setting.

§126-20-4. Purposes.

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

§126-20-6. Program Requirements.

Please add to 6.1.7. Add Health services as one the of services the student should receive.

Add to 6.1.15: Students completing requirements may graduate with the graduating class of the home school. (*One concern is that some high schools exclude these students, even when requirements are met).*

§126-20-7. Accountability for Results.

*A*dd a 7.4: Violations of these policies will be reported by parents, students, staff or citizens to the county superintendent who must resolve the issues in three days. (*This will prevent stalling tactics).*

Add a 7.5: Exemplary programs will be eligible for grants given by the West Virginia Department of Education to enhance and develop notable programs.

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

RECEIVED
JUN 8 2000

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: Brenda C Isaac RN, Lead School Nurse

Address:
Kanawha County Schools
200 Elizabeth St. Charleston WV 25311

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

§126-20-2. Applicability.

§126-20-3. Definition.

There needs to be an explanation of "Temporary". At what point is a placement no longer temporary.

§126-20-4. Purposes.

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

§126-20-6. Program Requirements.

I applaud inclusion of the Student Assistance Team. Interventions should be developed and implemented prior to any placement.

6.1.7 Support Services should also include school health services as provided by a certified school nurse. These at risk students have multiple health concerns which must be addressed. State law 18-5-22 provides for school health services for all students, and federal statute requires school nurse participation for IEP's and 504 plans. Counseling and psychological services are essential as are school nurse services.

§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

RESPONSE FORM

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

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

Individual/Organization: Diana Boggs, RN - Kan. Co. Schools

Address:
200 Elizabeth St.
Charleston, W. Va.

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.

I feel you need to add School Health Services/School Nurse under Support Services because there are many students in the alternative program that have chronic illnesses, such as diabetes, asthma, seizures, etc.; many students who take long term medications. In order for there to be a safe environment for students to learn a nurse needs to be included.

§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

RESPONSE FORM

2418: Regulations for the Alternative Education Programs for Disruptive Students

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

Individual/Organization: Denise Ohlsen / school nurse Riverside High School

Address:

Kanawha County Health Services
200 Elizabeth St Charleston, WV 25311-2119

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

~~§126-20-2. Applicability.~~ Proposed Revisions to Policy 2418 Support Services 56.1.47

the statement was made concerning students in alternative education recieve school counseling services and/or other social work or psychological services. I support that requirement, however I feel that the students also require health services provided by a school nurse. I have worked in the alternative education program at Riverside High School since January 2000. I teach the School Age Expectant Mothers Program. I have seen a great need in guidance and support for health care. They need encouragement and assistance in seeking health care, prenatal care, applying for insurance. They are not aware of programs such as WIC, medicaid, etc. I also am asked to talk to other students with health issues that require the services of a school health nurse. Some of these problems include vision and hearing (the school nurse does screening and follow up - we also provide financial assistance information). There is a need for nutrition education, "daily healthy habits" education, such as personal hygiene. They also need assistance with health insurance, i.e. CHIPS, etc. which the school nurse can help with supplying the applications and help complete the forms

~~§126-20-3. Definition.~~

These students are usually a high risk behavior population. They may require emergency plans for special health needs. The staff may need to be trained so that they are educated about the health risks of the students.

We are asking that health services provided by school nurses be included under Support Services for the Alternative Education Program.

Thank you for your time concerning this matter. Denise Ohlsen, RN

§126-20-4. Purposes.

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: SCHOOL HEALTH SERVICES FAYETTE COUNTY SCHOOLS

Address:

NUTTALL HEALTH CENTER, P O BOX 130, LOOKOUT, WV 25868

JANE COOPER, RN SCHOOL NURSE

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.

SUPPORT SERVICES 6.1.7 THE HOLISTIC APPROACH TO THE NEEDS OF THESE STUDENTS IS NOT ADDRESSED. THESE STUDENTS OFTEN HAVE HEALTH PROBLEMS REQUIRING MEDICATION, ONSITE ASSESSMENT OR ASSISTANCE, SPECIALIZED HEALTH CARE PROCEDURES, ETC. WHO WILL INSTRUCT THE TEACHER ON THESE NEEDS? WEST VIRGINIA DEPARTMENT OF EDUCATION POLICY 2422.7 DELINEATES STANDARDS FOR SCHOOL NURSES TO ASSESS STUDENTS' HEALTH NEEDS AND DEFINES NURSING RESPONSIBILITY IN THE PROVISION OF CARE. YES, PSYCHOLOGICAL SERVICES ARE IMPORTANT, HOWEVER, THESE STUDENTS MUST BE PROVIDED ACCESS TO SCHOOL NURSES. THE TEACHERS MUST BE TRAINED BY A CERTIFIED SCHOOL NURSE IF A PROCEDURE OR HEALTH MAINTENANCE PLAN IS INDICATED FOR A STUDENT—THIS COULD RANGE FROM AN ANAPHYLACTIC REACTION TO BEES, A SEIZURE DISORDER, ASTHMA, PREGNANCY, DIABETES, ETC. NURSES ARE WELL TRAINED IN THE AREA OF MENTAL HEALTH; THEY NEED TO BE INCLUDED IN YOUR HOLISTIC PLAN FOR THESE STUDENTS WITHIN THE ALTERNATIVE EDUCATION PROGRAM.

§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

RESPONSE FORM

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

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

Individual/~~Organization~~: Joyce M. Canter

Address:
1029 Nease Drive
Charleston WV 25312

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

§126-20-2. Applicability.

2.1 – Can each county design 1 program that includes both disruptive and other students (ex. "drop-outs"/"at risk for dropping out)?

§126-20-3. Definition.

3.1 – Can each county's plan define temporary?

§126-20-4. Purposes.

Frank Andrews

From: David Fritsch [dfritsch@access.k12.wv.us]
Sent: Friday, June 09, 2000 12:21 PM
To: 'fandrews@access.k12.wv.us'
Subject: Policy 2418 Comment

Mr. Andrews,
Please accept the following comments on "Regulations for Alternative Programs for Disruptive Students (2418).

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:

David M. Fritsch, Principal
Mineral County Alternative School
50 Clary Street
Keyser, WV 26726

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

126-20-2. Applicability.

126-20-3. Definition.

23.1 The first sentence should be modified to read, "An alternative program is a temporary or long-term authorized departure from the..."

126-20-4. Purposes.

126-20-5. Flexibility in Program Development.

126-20-6. Program Requirements.

6.1 An Alternative school is not able to address all of the State Board of Ed. approved instructional goals and objectives. Perhaps better wording of the first sentence would be "Students assigned to an alternative school shall have an individually designed curriculum which addresses as many of the State Board of Education approved instructional goals and objectives as the team determines are appropriate for that student. The Curriculum shall also include..."

Because the regular school programs of study are so rigorous and require specialized instruction from teachers who are knowledgeable in many content areas, Alternative Schools need to be able to focus their curriculum (for some students) on a GED diploma. This is implied in 6.1.15, but is should be clarified. In order for a student to work solely toward a GED diploma, the approval of the Alternative Placement Team should be required.

6.1.12
For students that have been expelled from school and attend after hours school hours programs an opportunity should be provided for a minimum of 6 hours of instruction per week.

6.1.5
An IEP should be substituted for an Individual Instructional Plan for students who are eligible for special education services.

126-20-7. Accountability for Results.

Because Alternative School students are not a homogeneous group of student, and in fact are likely to score poorly on many traditional measures of student progress, Alternative Schools should not be subject to meeting criteria for SAT-9, attendance rate, dropout rate, graduation rate, college and postgraduate training rate.

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

Upshur County School Health
102 Smithfield Street
Buckhannon, WV 26201
301-472-5480
Fax 304-472-0258

June 6, 2000

Frank D. Andrews, Executive Director
Office of Institutional Education Programs
West Virginia Department of Education
Capitol Complex, Building 6, Room B-106
1900 Kanawha Boulevard East
Charelston, West Virginia 25303-0330

Dear Sir,

I am writing to comment on Policy 2418 - Regulations for Alternative Education Programs for Disruptive Students, Section 126-20-56, 6.1.7 Support Services.

Support services also needs to include school health services since these are at risk students due to many factors such as but not limited to pregnancy, already being a parent, mental health issues as well as physical health issues, and on prescription drugs. These students receive specialized health care procedures, for example, long-term and emergency medications. The Basic and Specialized Health Care Procedure Manual for West Virginia Public Schools is to be utilized as the minimum standard for safe practice as approved by the West Virginia Board of Education Policy 2422.7 and adopted by the State Bureau for Public Health in the Specialized Health Procedures in Public Schools Rule, 64 W.Va. CSR 66.

Many times these students are eligible for a 504 Plan. School nurses have a srtong mental health background and provide counseling and referrals for both physical and mental health issues. School nurses provide a major component in assuring that all students benefit from an equal educational experience.

Yours truly,

Nancy Bradshaw

Nancy Bradshaw RN, BSN, MS
School Nurse
Upshur County Schools

126-20-5. Flexibility in Program Development.

126-20-6. Program Requirements.

See attached

126-20-7. Accountability for Results.

RETURN BY JUNE 9, 2000 TO:

MAY 0 8 2000

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.

Cari Hook Counselor

Individual/Organization: Iaeger High School

Address: Box 779
Iaeger, WV 24844

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

§126-20-2. Applicability.

Why isn't there allowances for students who aren't discipline problems, but may only need "At Risk" assistance academically etc for a short time?

§126-20-3. Definition.

§126-20-4. Purposes.

Jerry K. Hayne
Principal

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: Frances Clark, OSE

Address:

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

---

§126-20-2. Applicability.

Move the statement re: special education(6.1.8) and revise the statement to read that placement of a student with a disability must comply with all ferederal (IDEA-97) and state laws and regulations (2419)

---

§126-20-3. Definition.

---

§126-20-4. Purposes.

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: Frances Clark, OSE

Address:

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

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---

§126-20-3. Definition.

---

§126-20-4. Purposes.

---

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

The statement (5.2) about program flexibility for students with disabilities needs to be modified to indicate that placement in an alternative school requires action by the IEP Teamand must comply with federal and state law, statue and regulations.

§126-20-6. Program Requirements.

6.1.1 must state that the team for ALL STUDENTS WITH DISABILITIES MUST BE THE IEP TEAM. The composition of that team must meet fereral and state laws, sratues and regulation.

(6.1.3.a)
6.1.3 must also indicate that placement decisions for students with disabilities must be made by the made by the child's IEP Team.

6.1.3.b must indicate that the IPP for a student with a disability is the IEP developed by the IEP Team.

§126-20-7. Accountability for Results.

All test scores, abesntee rate, and drop-out rate should be reported at the home school and the home school should be held accountable theee.

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

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

~~5~~6.1.~~10~~15. 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-~~6~~7. Accountability for Results.

~~6~~7.1. 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).

~~6~~7.2. 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.

~~6~~7.3. 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.

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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

FORM HD 201
(10-66)

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	AGENCY	AUTHORIZED REPRESENTATIVE
April 13, 2000	Education	

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

The statement (5.2) about program flexibility for students with disabilities needs to be modified to indicate that placement in an alternative school requires action by the IEP Teamand must comply with federal and state law, statue and regulations.

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6.1.3.b must indicate that the IPP for a student with a disability is the IEP developed by the IEP Team.

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All test scores, abesntee rate, and drop-out rate should be reported at the home school and the home school should be held accountable these.

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

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-~~2~~3. Definition.

~~2~~3.1. 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-~~3~~4. Purposes.

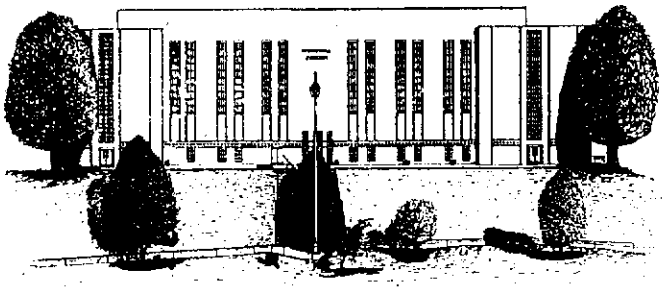
~~3~~4.1. The purposes of these regulations ~~is~~ are to: (1) provide a safe and orderly learning environment for the education of all students in the public schools of West Virginia and (2) meet the educational needs of disruptive students through the development of alternative education programs.

§126-20-~~4~~5. Flexibility in Program Development.

~~4~~5.1. 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.

Stonewall Jackson Junior High School



May 25, 2000

812 Park Avenue
Charleston, WV 25302
348 6123

Mr. Frank D. Andrews
Executive Director
West Virginia Department of Education
1900 Kanawha Boulevard East, Bldg. 6, Room 016
Charleston, West Virginia 25305-0330

Dear Mr. Andrews,

Please accept this letter as my response to the proposed rule re: Regulations for Alternative Education Programs for Disruptive Students (2418).

1. "Temporary" placement: some students are incapable of ever functioning successfully in a regular school setting. While many can return to their home school, some should remain in the alternative setting for their own benefit, and that should be an option. It is unrealistic to assume that all students can or should return to regular school.
2. Alternative school students should participate in statewide testing. However, to count their scores in with the home school provides the opportunity for students to "get back" at the home school by purposely scoring low on the tests.

   Also, the home school would be held accountable for instruction given by the alternative school, if test scores counted in with the home school. A more accurate assessment of alternative school instruction is possible if test scores are reported by the actual school where the student tested.
3. Requiring the home school to award a diploma to students who have received the majority of their graduating credits at the alternative school is unethical. It's like granting a Harvard Law Degree when a student only attended one semester. If the majority of credits are earned in alternative school, then the diploma should be awarded from there. How can the home school guarantee (certify by diploma) instruction when it has not instructed.
4. Requiring placement in alternative school by a team is a fair method. We do that here in Kanawha County, and it works well. Parent participation is encouraged, as it should be.
5. Requiring counseling and/or social/psychological services is critically important. This is excellent.

All students do not learn the same way. Regular education is fine for most, but we should provide alternative ways for students who have ability but have chronic discipline problems.

Thank you for listening.

Sincerely,

Carol Thom

Carol Thom, Principal

cc: Ron Duerring, Ed. D., Superintendent
Bill Walton, Principal, President - Schoolmasters
Linda Winter, Director - Alternative Services

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: Charles K Heinlein

Address: St. Marys High School
1002 Second Street
St. Marys, WV 26170

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

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§126-20-2. Applicability.

next page
Comments.

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§126-20-3. Definition.

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§126-20-4. Purposes.

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

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§126-20-~~6~~7. Accountability for Results.

~~6~~7.1. 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).

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

§126-20-6. Program Requirements.

6:13 It is simpler to suspend than to convene any team other than SAT for Special Education suspension. When a student accrues more than 15 detentions here per school policy; we currently place in Alternative School for five nights, they also attend regular school. If we had to convene a team, invite parent to discuss what is school policy, this change would make our alternative school short term discipline placements a process that would be too cumbersome. I would simply suspend out of school.

§ [illegible] Results

Consider setting the length of placement for these regulations to kick in, otherwise it is an exercise in paperwork for a five night placement.

Charles K Henley
St. Marys High School

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

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: Vic Thompson - Randolph County Schools

Address:

40 Eleventh Street

Elkins, WV 26241

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

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§126-20-2. Applicability.

Okay as written

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§126-20-3. Definition.

Okay as written

---

§126-20-4. Purposes.

Okay as written

---

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

Counties need to be able to structure the program because of fiscal constraints, geographical differences, and other factors. The instructional goals and objectives should be the foundation of the program, regardless of its structure. Placement procedures should remain localized.

§126-20-6. Program Requirements.

The use of certified core staff to set assessment measures is impractical. The need to individualize instruction also requires individualized assessment procedures. Placing required counseling services on schools would amount to an unfunded mandate. The ALC curriculum should include a social skills development component.

§126-20-7. Accountability for Results.

Requiring an ALC program and giving limited funding does not allow for an equitable program. Also, the behavior of the students are atypical, which justifies an alternate program and not having their scores aggregated with other students. These students should be tested and norm-reference scores should be returned for them.

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

JUN 0 2 2000

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

§126-20-6. Program Requirements. 5-31-2000

56.1.47

Re: Support Services: Students in alternative education programs do need counseling and psychological services but they would benefit also from health services delivered by a certified school nurse. These students may have specific health diagnoses or other health concerns that need/require the services of a school nurse.

Submitted by:
Patricia J. Hutter, RN
Ritchie Co. BOE
134 S. Pleasant Ave
Harrisville, WV 26362

§126-20-7. Accountability for Results.

Ph: (304) 643-2991 EXT. 240

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

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: Tri-County High School

Address:

Route 3, Box 43-C

Clarksburg, WV 26301

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

---

§126-20-2. Applicability.

See Attached

---

§126-20-3. Definition.

Add the following statement at the end of the paragraph:

Based upon students' needs, times of placement in non-disruptive at-risk programs may vary.

---

§126-20-4. Purposes.

Revise the statement to include the underlined words as follows:

The purposes of these regulations 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/non-disruptive at-risk students through the development of alternative education programs.

---

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

Revise the second sentence to include the underlined words as follows:

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/non-disruptive at-risk students in the county.

§126-20-6. Program Requirements.

See attached

§126-20-7. Accountability for Results.

N/A

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

§ 126-20-2. Applicability.

Add the following: Programs for non-disruptive students will also be governed under Policy 2418 where applicable. These non-disruptive at-risk students may be defined by the following characteristics:

1. A need for attention and help beyond which the regular educational program can provide.

2. Parents/guardians who exhibit indifferent/negative attitudes toward school performance.

3. Behaviors which persistently interfere with their own learning or with the educational process of others.

4. Low self esteem.

5. Two or more years older than classmates and one or more years behind in grade level.

6. Grade deficiencies (D's or F's) in two or more subjects in the current or previous years.

7. Reading deficiency of two or more years below grade level.

8. Chronic absenteeism.

9. Teen parent.

§ 126-20-6. Program Requirements.

Under 6.1.2 add letter "d" to read as follows:

D. Meet criteria for non-disruptive at-risk students. (See Applicability 2.1)

Under 6.1.3 add the following sentence to letter "b":

For non-disruptive at-risk programs, the Alternative Education Placement Team will follow the state mandated Instructional Goals and Objectives and/or county approved Instructional Goals in lieu of the Individual Instructional Plan.

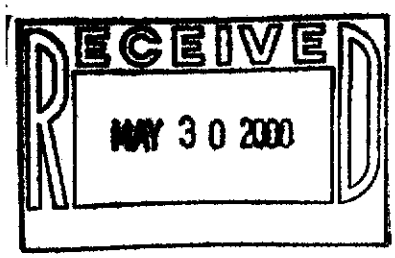
Under 6.1.5 change the statement under "b" to include the underlined words as follows:

b. Instructional activities shall be consistent with the student's Individual Instructional Plan <u>where applicable.</u>

Under 6.1.10 part "b", add the following statements at the end:

Permanent certification will be granted after three consecutive years of employment in an alternative education program. (Teachers currently holding a temporary authorization of three or more years will be granted a permanent certificate.)

POCAHONTAS COUNTY
Board of Education
Office of Superintendent



926 Fifth Avenue
Marlinton, WV 24954
Telephone 304-799-4505
FAX 304-799-4499

May 25, 2000

Mr. Frank D. Andrews, Executive Director
Office of Institutional Education Programs
West Virginia Department of Education
Building 6, 1900 Kanawha Boulevard East
Charleston, West Virginia 25305

Dear Mr. Andrews:

This letter is in response to the proposed regulation change for Policy 2418: Regulations for Alternative Education Programs for Disruptive Students. The proposed changes are of grave concern to the Pocahontas County Board of Education and the Pocahontas County School System. The proposed changes have a tremendous impact upon small school systems that are operating alternative education programs on minimal funding. Currently, Pocahontas County receives less than $9,000 to implement educational services for disruptive students.

To further stress concerns regarding Policy 2418, the following issues need to be addressed:

A) 126-20-6.1.3b. Individual Instruction Plan – Currently, Policy 2419, Regulations for the Education of Exceptional Students, provides a system for individual education plans (IEP) for students with special needs. The alternative education program is a small educational component which does not need the additional burden of maintaining IEP's, supporting documentation and timeline restraints. With existing alternative education programs, there is difficulty in recruiting needed staff for these services. The requirement of IEP's will further complicate the staffing problem and increase costs for operating the program.

Furthermore, the disruptive students who are receiving services through alternative education enter the program for various reasons and timeframes. Funding resources need to be increased for direct instructional needs and not for increased administrative documentation. Currently, Pocahontas County is having considerable difficulty in maintaining the program with the level of funding being received, which brings us to the next major point of concern.

B) 126-20-6.1.12 After Hours/Night School Classes – Currently, Pocahontas County Schools operates an alternative program with two staff members. Each staff member provides program activities six hours per week. The policy change, which mandates that all school systems shall provide alternative education opportunities for a minimum of 16 hours of instruction per week for students, increases the costs tremendously. Current allocations will not permit counties to address this requirement. The funds received now are used to pay salaries and fixed charges for current teachers and/or support staff. Local dollars support administration, textbook, utilities and other unexpected expenses.

In summary, the above items should be eliminated from the revisions of Policy 2418. The additional hardship of Policy 2418 changes cannot be absorbed by county boards of education, especially those facing a potential deficit. If you have need for additional information, please do not hesitate to contact me at your earliest convenience. Thank you for your consideration. Hopefully, the above changes will be reconsidered for the benefit of public school systems and the children they serve.

Sincerely,

James B. Phares, Superintendent
Pocahontas County Schools

JBP:fmr

MAY 1 2 2000

Greenbrier County Schools

Stephen L. Baldwin, Superintendent

May 11, 2000

Frank D. Andrews, Executive Director
Office of Institutional Education Programs
West Virginia Department of Education
Charleston, WV 25305-0330

Dear Mr. Andrews:

These comments are in response to the proposed regulation changes for Policy 2418: Regulations for Alternative Education Programs for Disruptive Students. I am quite concerned about two of the proposed changes. Will you please review and consider my concerns. Our school system has run a successful program since its inception in 1996. I believe we have the system wide experience and programmatic and administrative expertise to speak to these issues.

126-20-6.1.3b. **Individual Instruction Plan**

Please do not encumber our school systems with the need to complete Individual Instruction Plans. The alternative education program, in most of our smaller school systems, is a small education component that we administer in a very efficient manner. We do not need an unnecessary overlay of paperwork to assist these students. Our disabled students have Individualized Education Programs (IEPs) and we abide by those documents.

Our other disruptive students who find themselves in alternative education are there for many varied reasons. We do attend to their core academic subject requirements. We do have a counselor who provides behavioral assistance as needed. Our state mandated IGOs already constitute their instructional goals and objectives. Our alternative education setting, staff and counselors actively see to their behavioral needs. We are efficient and proactive with our students. We do not create our programs as alternative track programs that students continue in year after year. Students start only when a specific violation of a county's discipline policy has occurred. Our superintendent approves of this placement for a very specific period of time. We do not need to do additional, unnecessary paperwork for a student who may be in a program for one grading period. We do not need additional unnecessary paperwork for a student who is a senior, has committed a specific violation, and needs only English to graduate. We do not need IIP forms that take up time and create another bureaucratic issue to be monitored and discussed.

Please help us. Do not burden the majority of school systems in this state that have viable programs, with unnecessary paperwork. This revision should be eliminated from Policy 2418.

P. O. Box 987 • Lewisburg, WV 24901 • (304) 647-6470 • Fax (304) 647-6490

126-20-6.1.12 **After Hours/Night School Classes**

This policy change mandates that our school systems shall provide the opportunity for minimum of 16 hours of instruction per week for students. This requirement will exactly double the cost of our current program. We spend all of the $35,126 annual entitlement we receive to pay salaries and fixed charges for our current teaching and counseling staff. We cover all of our administrative, texts, utilities and transportation costs with local funds.

How can the fiscal note worksheet possibly indicate these changes have no fiscal note effect? That is absolutely not correct. Is the State Board going to double our entitlement? Let's pay attention here. Mandated increases in time equals significantly increased costs. We are barely able to keep our systems fiscally solvent. Please do not jeopardize this situation. We know what our students need. I believe the Department told us that time on task is a variable, not a constant. We do make good decisions for our students in alternative education. Please do not create a minimum hour requirement that this state cannot afford. Make no mistake. This requirement will cost our school systems well in excess of a million dollars each year. If this funding can be obtained from the legislature, our school systems will certainly implement the requirement accordingly.

This requirement should be eliminated from the revisions to Policy 2418.

Thank you for your consideration of these requested changes. Please do not hesitate to contact me if I can be of further assistance to you.

Sincerely,

Thomas O. Iles, Ph.D.
Director of Special Education/Alternative Education

NEW BUSINESS

J. Revisions to Policy 2418: Regulations for Alternative Education Programs for Disruptive Students - (Action) **ATTACHMENT**

The State Board of Education formed a committee to review needed changes to Policy 2418: Regulations for Alternative Education Programs for Disruptive Students for the purpose of improving the quality of alternative education programs. The 23-member committee, chaired by State Board of Education members Sheila Hamilton and Paul Morris, has recommended a number of changes to the policy.

I respectfully request that Policy 2418 be placed on comment until June 9, 2000 for action at the July meeting.

2418