

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED

JUN 17 11 32 AM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126
RULE TYPE: Legislative; CITE AUTHORITY W.Va. Const., Article XII, §2;
W.Va. Code §18-2-6 and §18-5-19
AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 20

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

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 17, 1996 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Frank Andrews, Director
Institutional Education Programs
West Virginia Department of Education
Capitol Complex, Bldg. 6, Room 016
1900 Kanawha Boulevard, East
Charleston, WV 25305-0330

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

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

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

4.00

EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION
Policy Number and Title: Policy 2418: Regulations for
Alternative Education Programs for Disruptive Students

PUBLIC COMMENT PERIOD ENDS: JULY 17, 1996

BACKGROUND:

Policy 2418 is a new policy to establish regulations for alternative education programs for disruptive students. This policy will implement the requirements of state legislation, specifically §18-2-6 and §18-5-19, enacted by the 1996 West Virginia Legislature as part of the Safe Schools bill (H. B. 4065).

PURPOSE:

The purpose of the proposed regulations is 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.

PROPOSED REGULATIONS:

The proposed regulations define an alternative education program as 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. County boards of education will have broad flexibility in developing the type or types of alternative education program options needed to meet the needs of disruptive students. This flexibility includes the authority to request a waiver of State Board of Education policies and regulations in the development and operation of alternative education programs. The proposed regulations also include the following program requirements: (1) development of policies and procedures which must be approved by the State Superintendent of Schools for authorization to provide alternative education programs; (2) establishment of a written curriculum; (3) delivery of instruction in accordance with specified standards; (4) access to support services for students in alternative education programs; (5) compliance with applicable state and federal laws and regulations for exceptional students; (6) selection and licensure of personnel based upon demonstrated competence in meeting standards specifically established for identifying teachers capable of providing effective programs for disruptive students ; (7) provisions for after-hours/night school classes for suspended and expelled students or as an alternative to suspension or expulsion; (8) granting of units of credit for work in alternative education programs; and (9) establishment of criteria for program completion. County boards of education establishing alternative education programs under this proposed policy will be held accountable for program results and will conduct an annual evaluation of the effectiveness of the program. Alternative education programs will also be evaluated by the WVDE Performance Based Accreditation System.

IMPACT:

The proposed policy to implement §18-2-6 and §18-5-19 provides for safer schools by permitting county boards of education flexibility in establishing appropriate alternative education programs for disruptive students. The proposed policy will also provide programs designed to meet the needs of disruptive youth. The policy establishes flexible parameters for the development and operation of programs and requires, in turn, accountability for results.

FILED

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

JUN 17 11 32 AM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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; §18-2-6; §18-5-19.

1.3. Filing Date -

1.4. Effective Date -

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

§126-20-2. Definition.

2.1. Alternative Education Program - An alternative education program is 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. Purpose.

3.1. The purpose of these regulations is 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. Flexibility in Program Development.

4.1. 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 §18-5A-3, but may be submitted directly to the State Superintendent of Schools.

§126-20-5. Program Requirements.

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

5.1.1. Policies and Procedures - County boards of education shall adopt policies and procedures for the operation of alternative education programs. 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; the involvement of parents and community agencies; length and time of day the program operates; plan for awarding of credits; the staffing plan, personnel qualifications and class size limits; the criteria for completion of the alternative education program 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.

5.1.2. Curriculum - County boards of education shall have an identified written curriculum for alternative education programs. The curriculum shall include goals and objectives for the programs of study offered. The curriculum shall also include a component for teaching and learning responsible behavior.

5.1.3. 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.

5.1.4. Support Services - Students in alternative education programs shall have access, as needed, to support services such as school counseling services and school psychological services.

5.1.5. 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.

5.1.6. 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

5.1.7. Licensure

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

b. Temporary Authorization - A Temporary Authorization valid for one year shall be granted to the successful candidate(s) for the alternative education program position(s). The employing county superintendent must verify that the applicant possesses the competencies identified in Section 5.1.6.a. The Temporary Authorization may be renewed each year based on the applicant's continued employment in an alternative education program.

5.1.8. After-Hours/Night School Classes - County boards of education are authorized to provide alternative education programs after regular school hours for suspended or expelled students or as an alternative to suspension or expulsion. (Note that although county boards may provide alternative education to expelled students, counties may not offer alternative education as an

alternative to expulsion for students whose misconduct requires mandatory expulsion under the law. Under these circumstances, county boards must first expel the student then provide alternative education.) Unless otherwise required by law, regulation, or court order, county boards of education are not required to provide transportation services when offering such programs. This section shall not be construed to require county boards of education to provide educational services to suspended or expelled students where such legal obligation is absent.

5.1.9. 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.

5.1.10. 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; (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. Accountability for Results.

6.1. 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).

6.2 Accreditation -The State Department of Education shall review 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.

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

RESPONSE FORM

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

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

Individual/Organization: _____

Address:

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

Definition:

Purpose:

Flexibility in Program Development:

Program Requirement:

Accountability for Results:

RETURN BY JULY 17, 1996 TO:
Frank Andrews, Director
Institution Education Programs
West Virginia Department of Education
Capitol Complex, Building 6, Room 016
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO 4065 RESOLUTION NO _____

SUBJECT Policy 2418: Regulations for Alternative Education Programs for Disruptive Students FUND

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

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 &
GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ 2,000,000	\$	\$ 2,000,000	\$ 2,060,000	\$ 2,121,000
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSES					
REPAIRS/ALTERATIONS					
EQUIPMENT					
OTHER	\$ 2,000,000		\$ 2,000,000	\$ 2,060,000	\$ 2,121,000
2. ESTIMATED TOTAL REVENUES	\$ 2,000,000	\$	\$ 2,000,000	\$ 2,060,000	\$ 2,121,000

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

- §18-9A-21 of the proposed bill requires the Department of Education to distribute \$2,000,000 to county boards of education for the operation of alternative education programs.
- Costs for NEXT and THEREAFTER represent a three (3) percent increase.

DATE

6/14/96

AGENCY

Education

AUTHORIZED REPRESENTATIVE

