



**EXECUTIVE SUMMARY**  
**WEST VIRGINIA DEPARTMENT OF EDUCATION**

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**Policy Number and Title:** West Virginia Board of Education Policy 2512: Critical Skills Instruction Support Programs for Third and Eighth Grade

**Background:** This policy establishes rules to effectuate the provision of Section 18-2E-10 Critical skills instructional support programs for third and eighth graders. However, if a county board determines that adequate funds are not available for full implementation of a critical skills instructional support program in the county, the county board may implement its program in phases by first establishing a critical skills instructional support program in the third grade and then establishing a critical skills instructional support program for eighth grade once the county board determines that adequate funds are available.

**Proposals:** The purpose of this policy is to provide rules that encourage and assist County boards in operating critical skills instructional support programs for students in grades three and eight who are not mastering language arts and mathematics adequately for success at the next grade level. The support programs are to occur during and after the instructional day and during the summer for students who are recommended by the student assistance team or the classroom teacher.

**Impact:** The WVDE has the primary responsibility for providing leadership in (1) defining and developing the framework for the effective delivery of critical skills instructional support programs for students in grades 3 and 8; (2) assisting counties in the delivery of these programs through structures to maximize funding resources available; (3) developing online structures/programs to increase efficiency of delivery and accountability; and (4) designing reporting systems that assure the WVDE, Legislature and the Governor of monitored progress of the critical skills program.

FILED

Title 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION  
SERIES 30

2009 AUG 14 AM 8: 38

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**Critical Skills Instruction Support Programs  
for Third and Eighth Grade (2512)**

**§126-30-1. General.**

1.1. **Scope.** - This policy establishes rules to effectuate the provision of W. Va. Code §18-2E-10 critical skills instruction support programs for third and eighth grade. However, if a county board determines that adequate funds are not available for full implementation of a critical skills instructional support program in the county, the county board may implement its program in phases by first establishing a critical skills instructional support program in the third grade and then establishing a critical skills instructional support program for the eighth grade once the county board determines that adequate funds are available.

1.2. **Authority.** W. Va. Constitution, Article XII, 2; W. Va. Code §18-2-5 and §18-2E10

1.3. **Filing Date.**

1.4. **Effective Date.**

1.5. **Repeal of Former Rule.** None, this is a new rule.

**§126-30-2. Purpose.**

2.1. The purpose of this policy is to provide rules that encourage and assist county boards in operating critical skills instructional support programs for students in grades three and eight who are not mastering language arts and mathematics adequately for success at the next grade level. The support programs are to occur during and after the instructional day and during the summer for students who are recommended by the student assistance team or their classroom teacher.

**§126-30-3. General Responsibilities.**

3.1. The responsibility for developing and implementing critical skill instructional programs for 3<sup>rd</sup> and 8<sup>th</sup> graders is shared as follows:

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

a. encouraging and assisting county boards in establishing and operating critical skills instructional support programs during and after the instructional day and during the

summer for students in grades three and eight who in the judgment of the student assistance team or the student's classroom teacher are not mastering the content skills in reading, language arts and mathematics adequately for success at the next grade level and who are recommended by the student assistance team or the student's classroom teacher for additional academic help through the programs;

b. maximizing parental involvement in supporting the critical skills development of their children in reading, language arts and mathematics through critical skills instructional support programs;

c. ensuring the employment of qualified teachers and service personnel in accordance with the provisions of W. Va. Code §18-5-39 and §18A-4-7c to provide instruction to students enrolled in critical skills instructional support programs;

d. creating a formula or grant-based programs for the distribution of funds appropriated specifically for the purposes of this section or otherwise available for the support of in-school, after school and summer critical skills instructional support;

e. providing transportation and healthy foods for students required to attend after-school and summer critical skills instructional support programs and supervision at the school that accommodates the typical work schedules of parents;

f. receiving from county boards any applications and annual reports required by the rule of the state board;

g. providing a report describing the proposed implementation of the critical skills instructional support program to be instituted for the summer of 2010 to the Legislative Oversight Commission on Education Accountability on or before May 1, 2010; and

h. providing a comprehensive report regarding the status of the critical skills instructional support program to the Legislative Oversight Commission on Education Accountability, the Joint Committee on Government and Finance, and the Governor on November 1, 2010 and annually on November 1 each year thereafter. The report will include as a minimum, the progress of the program throughout the state, its effect on student achievement and the sources of funding both available to and used by the program.

3.1.2. Responsibility of the West Virginia Department of Education (hereinafter WVDE): The WVDE has the primary responsibility for providing leadership in: 1) defining and developing the framework for the effective delivery of critical skill instructional programs for students in grades 3 and 8; 2) assisting counties in the delivery of these programs through structures to maximize funding resources available; 3) developing online structures/programs to increase efficiency of delivery and accountability; and 4) designing reporting systems that assure the WVDE, Legislature and the Governor of monitored progress of the critical skills programs. It is further the responsibility of the WVDE to:

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a. develop a Guidance Document for Design and Delivery of Critical Skill Instructional Support for 3<sup>rd</sup> and 8<sup>th</sup> Graders that includes:

A. recommendations for processes to identify students that includes use of WESTEST2, benchmark assessments like Acuity, informal mathematics assessments, Algebra readiness assessments, Individualized Education Program (IEP) assessment data, teacher referral and student assistance team review;

B. recommendations for the provision of highly qualified teachers and service personnel such as instructional aides and paraprofessionals who deliver critical skills instructional support before, during, and after school, and in summer programs;

C. recommendations for the provision of research-based instruction programs for before, during, and after school, and in summer programs;

D. recommendations for providing access to online based instructional programs to deliver of critical skills instruction support before, during, and after school, and in the summer;

E. recommendations for maximizing integration of technology based intervention and instructional support;

F. recommendations for online and face-to-face parental involvement in supporting students critical skill success;

G. recommendations for provision of transportation, healthy foods;

H. recommendations for electronic student management structures to manage essential student data for program participation;

I. recommendations for completion of required progress reporting structures/requirements; and

J. recommendations for maximizing alternate sources of funding, Title I, Title II, and Individuals with Disabilities Education Improvement Act (IDEA) to support the delivering of critical skill instructional support for 3<sup>rd</sup> and 8<sup>th</sup> graders.

b. develop an Online Student Management System to assist counties in the verification of providing academic assistance through an in-school or after school critical skills instructional support program prior to the end of the school year and in the providing of academic assistance during the summer and the monitoring of student progress in mastering reading, language arts and mathematics objectives/learning targets;

c. development of distribution structures for formula allocation and/or project based award of legislative appropriation for the Critical Skills Program; and

d. preparation of Annual Report of Student Progress to be submitted to the WVBE, Legislature and Governor.

3.1.3. Responsibility of the Regional Education Service Agency (hereinafter RESAs): Educational services provided by the RESAs should be fully utilized in the implementation of WVBE policy requirements at the county and school level through the following important responsibilities:

a. providing technical assistance to counties in the design of effective and successful critical skills programs for 3rd and 8th graders;

b. providing high quality staff development to support teachers in the delivery of research based instructional programs, integration of technology, and learning skills for critical skill acquisition; and

c. facilitating the coordination and cooperation among the county boards within their respective regions in the design and delivery of summer programs

3.1.4. Responsibility of County Boards of Education: It is the responsibility of county boards of education to plan, deliver and evaluate the implementation of critical skill instruction support before, during, and after school, and in the summer to children in the 3<sup>rd</sup> and 8<sup>th</sup> grade in accordance with WVBE policy and WVDE Guidance Document for Design and Delivery of Critical Skill Instructional Support for 3<sup>rd</sup> and 8<sup>th</sup> Graders. In carrying out this responsibility the county boards must address the following established processes that meet the requirements of critical skill support for 3<sup>rd</sup> and 8<sup>th</sup> grade students:

a. systematic process for identification and monitoring of students receiving critical skill intervention before, during, and after school, and in the summer;

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

c. maximum utilization of online resources to insure access of instructional support before, during, and after school, and in the summer;

d. maximum utilization of funding resources including Title I, Title II, IDEA, 21st Century Community Center Programs, and The American Recovery and Reinvestment Act (ARRA) funds to support instructional intervention in grades pre-k-8 to students not acquiring critical skills in reading and mathematics.

e. employment of highly qualified teachers and service personnel for the delivery of instruction;

f. parent involvement programs supporting critical skills development of their children;

g. provision of adequate facility, equipment and services to support critical skills instructional support;

h. annual electronic report of student progress in critical skill development; and

i. assessment at the conclusion of the intervention program to measure student progress.

3.1.5 Responsibility of the School: It is the responsibility of the school to plan, deliver and evaluate the implementation of critical skill instruction support before, during and after school, and in the summer to children in the 3<sup>rd</sup> and 8<sup>th</sup> grade in accordance with WVBE policy and WVDE Guidance Document for Design and Delivery of Critical Skill Instructional Support for 3<sup>rd</sup> and 8<sup>th</sup> Graders. In carrying out this responsibility the school must address the following established processes that meet the requirements of critical skill support for 3<sup>rd</sup> and 8<sup>th</sup> grade students:

a. adhere to the criteria established in the policy and guidance including identification, intervention and accountability;

b. assist students in understanding their identified learning needs and provide guidance in the development of learning goals that will prepare them for success during the intervention process;

c. monitor the progress of each student participating in before, during and after school and summer intervention programs and report progress to the county using the online student management and reporting system;

d. work collaboratively through the Student Assistance Team to identify students requiring interventions in reading, language and mathematics;

e. develop a process for involving parents as active members in the intervention process; and

f. insure accurate information is documented within the Online Student Management System as it pertains to identification of students, structured interventions and academic progress.

3.1.6 Responsibility of the Parent: It is the responsibility of the parent to assist the school and the student in meeting the goals of the intervention program. Through collaborative work, the school, the parent, and the student will improve the performance of students in grades 3 and 8 who are not mastering language arts and mathematics adequately for success at the next grade level. The parents will have the following responsibilities:

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a. communicate and partner with the school in implementation of the intervention program designed to improve the performance of students in grades 3 and 8 who are not mastering language arts and mathematics adequately for success at the next grade level; and

b. be an active participant in the intervention program by providing guidance and assistance to the student during the intervention processes.

3.1.7 Responsibility of the Student: It is the responsibility of the 3<sup>rd</sup> and 8<sup>th</sup> grade student to work cooperatively with the school staff and the parent to improve their performance in mastering language arts and mathematics adequately for success at the next grade level. The students will have the following responsibilities:

a. be actively engaged in the before, during or after school intervention process and summer interventions, if necessary; and

b. be a responsible partner in the intervention process by establishing goals targeting identified learning needs and monitoring their own learning progress.

### **§126-30-4. Definitions.**

4.1 Critical Skills in Reading, Language Arts and Mathematics – The acquisition of necessary skills that will allow students to perform at mastery as it relates to performance descriptors in reading/language arts and/or mathematics on WESTEST2, to perform at mastery on benchmark assessments like Acuity in reading/language arts and/or mathematics or to master reading/language arts and mathematics objectives as measured by classroom assessments.

4.2 Identification of Students Needing Critical Skills Instruction – Students would be identified in need of Critical Skills instruction based on lack of mastery or proficiency on such measures as WESTEST2, Acuity Benchmark, classroom assessments and other identified specific diagnostic measures and who are recommended by their classroom teacher or student assistance team.

4.3 Critical Skill Instruction Before School – The provision of instruction in reading/language arts and/or mathematics to students who have skill deficiencies as identified through summative, benchmark and/or classroom assessment measures. Instruction may be online or face-to-face but is research based in quality and specifically aligned to identified skill deficiencies.

4.4 Critical Skill Instruction During School - The provision of Tier II and Tier III, of the Response to Intervention Process, instruction during the school day to students identified with critical skill deficiencies in reading/language arts and/or mathematics. Instruction may be online and/or face-to-face but is research based in quality and specifically aligned to identified skill deficiencies.

4.5 Critical Skill Instruction After and In the Summer - The provision of instruction in reading/language arts and /or math to students who have skill deficiencies as identified through

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summative, benchmark and/or classroom assessment measures. Instruction may be online or face-to-face but is research based in quality and specifically aligned to identified skill deficiencies.

4.6 Parent Involvement - The provision of structures to insure parent involvement to support their child's critical skill development.

4.7 Online Student Management Reporting System - An online Student Management and Reporting System that assists counties in the verification and monitoring of academic assistance provided before, during or after school through a critical skills instructional support program focused on mastery of reading, language arts and mathematics objectives/learning targets.

4.8 Annual Reports/Evaluation - Comprehensive report regarding the status of the critical skills instructional support program provided to the Legislative Oversight Commission on Education Accountability, the Joint Committee on Government and Finance, and the Governor on November 1, 2010 and annually on November 1 each year thereafter. The report will include as a minimum the progress of the program throughout the state, its effect on student achievement and the sources of funding both available to and used by the program.

### **§126-30-5. Severability.**

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

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Policy 2512: Critical Skills Instruction Support Programs for Third and Eighth Grade

Type of Rule:   X Legislative     Interpretive     Procedural

Agency:       West Virginia Department of Education

Address:       Building 6, Room 608  
                  1900 Kanawha Boulevard, East  
                  Charleston, WV 25305-0330

Phone Number: (304) 558-3762      Email: jmcclan@access.k12.wv.us

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**Fiscal Note Summary**

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

The Legislative appropriation of \$6.2 million will be distributed directly to county boards of education through formula-based grants.

**Fiscal Note Detail**

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

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

Rule Title: \_\_\_\_\_

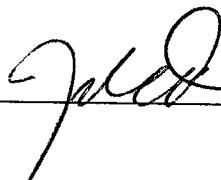
Rule Title: \_\_\_\_\_

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

**MEMORANDUM**

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

Signature of Agency Head or Authorized Representative

  
\_\_\_\_\_

Date

8-5-09  
\_\_\_\_\_

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**POLICY 2512: Critical Skills Instruction Support Programs for Third and Eighth Grade**

**COMMENT PERIOD ENDS: September 14, 2009**

**COMMENT RESPONSE FORM**

The following form is provided to assist those who choose to comment on Policy 2512: Critical Skills Instruction Support Programs for Third and Eighth Grade. Additional sheets may be attached, if necessary.

Name : \_\_\_\_\_ Organization: \_\_\_\_\_

Title: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Please check the box below that best describes your role.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family     |
| <input type="checkbox"/> Principal                    | <input type="checkbox"/> Teacher             | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff   | <input type="checkbox"/> Service Personnel   | <input type="checkbox"/> Community Member  |

**COMMENTS/SUGGESTIONS**

**§126-30-1. General.**

**§126-30-2. Purpose.**

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**§126 -30-3. Scope.**

**§126-30-4. General Responsibilites.**

**§126-30-5. Definitions.**

Please direct all comments to:

Carla Williamson, Executive Director  
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West Virginia Department of Education  
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