

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #2

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FILED  
1989 SEP 13 AM 9:35  
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 18-5-18c

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: 53 (Policy 2311)

TITLE OF RULE BEING PROPOSED: Early Childhood Programs Created;  
Eligibility and Standards for Placement; Guidelines and Criteria

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 October 25, 1989 AT 9:00 a.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Bureau of General, Special and Professional  
Education

Room B-330, Bldg. 76

Capitol Complex

Charleston, WV 25305

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

*Barbara L. Estep*

September 12, 1989

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

TITLE 126  
WEST VIRGINIA BOARD OF EDUCATION  
Chapter 18-5  
Series 53  
(Policy 2311)

FILED  
1983 SEP 13 AM 9:35  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Title: Early Childhood Programs Created; Eligibility and Standards for Placement; Guidelines and Criteria

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Section 1.0 General

- 1.1 This legislative rule established the specific requirements for local school districts to initiate and administer early childhood programs and instructional procedures that recognize the variability in achievement, development and background experience of the early childhood years.
- 1.2 Authority - §18-5-18c
- 1.3 Filing Date -
- 1.4 Effective Date -
- 1.5 Repeal of Former Rule - None. This is a new policy.

Section 2.0 Program Definition

Early childhood programs include, but are not limited to, developmental kindergarten, developmental first grade, early first grade, transitional first grade, and/or developmental second grade. These programs are provided for children identified as needing additional and/or advanced physical, social, emotional, perceptual, and intellectual experiences.

Section 3.0 Program Delivery

Program(s)

- 3.1 Counties may designate one or more classes or schools for early childhood programs and may transport children to these schools.
- 3.2 Early childhood programs, may be offered during the regular school year, or during the summer months. Time allocations for early childhood programs will be consistent with age/grade appropriate requirements in Policy 2510.

Section 4. Eligibility

Children eligible for early childhood programs are those who meet state and county school age requirements and have been identified as needing alternative programs.

Section 5. Placement

- 5.1 Placement shall be based on the judgement of the teacher and other professional personnel after consultation with the parent or guardian in accordance with the evaluation model set forth in section two, article two-e of this chapter.
- 5.2 The School Based Assistance Team will review all referrals for which additional assessment is requested.
- 5.3 A child who successfully completes a summer early childhood program may be enrolled in the next appropriate grade level in the fall semester.
- 5.4 The implementation of early childhood programs will not result in the creation of split grade classrooms containing any combination of regular program and/or early childhood program students.

Section 6. Personnel

- 6.1 The ratio of teacher to students shall be 1-15.
- 6.2 An aide shall be assigned to each kindergarten with more than ten students.
- 6.3 Provisions shall be made for early childhood program teachers to communicate on a regular basis with other teachers, professional personnel, and representatives of other appropriate agencies.
- 6.4 Teachers meeting state teacher certification and holding a certificate; Early Childhood Education, Early Education Pre K-K or Multisubject K-8 are eligible to teach transitional kindergarten.

Section 7.0 Program Assurances

- 7.1 Each county shall establish a process for periodic review of individual student's progress to assure that these programs are not being used for tracking purposes.
- 7.2 Within the first grading period students who have acquired mastery of deficient skills may be referred to the School Based Assistance Team for consideration for placement in the next appropriate grade level.
- 7.3 The parent(s) or guardian has the right to contest placement of their child in an early childhood program. Placement appeals must first be made to the school principal. If a consensus cannot be reached between the principal and parent, the parent(s) or guardian may follow the existing county appeals process.

7.4 Nothing within this policy shall prohibit counties from exercising existing policies regarding student placement.

Section 8. Funding

8.1 Early Childhood Programs may be considered for competitive grant awards as described in WV Code §18-2-29.

8.2 Early Childhood Programs may be included in the development of Remedial/Accelerated Grant applications WV Code §18-2E-3.

Revised 11/9/88

Revised 11/18/88

11/23/88

Revised 5/22/89

Revised 8/17/89

1327h

WEST VIRGINIA DEPARTMENT OF EDUCATION  
IMPACT STATEMENT FOR  
STATE BOARD POLICIES

**INSTRUCTION:**

The development and implementation of Early Childhood Programs will improve the quality of instruction afforded to students in the primary grades by increasing the instructional appropriateness of their educational experiences.

**LEADERSHIP:**

Elementary school principals and county level administrators will be required to develop and implement Early Childhood Programs which address the various needs of students in Kindergarten through second grades. Relatedly, decisions will need to be made regarding staffing, facilities, and transportation.

**STAFF DEVELOPMENT:**

Teachers in the primary grades will need to receive appropriate staff development which will not only prepare them to deliver instruction within the Early Childhood Programs, but also facilitate the transition of students from Early Childhood Programs into regular programming options within each school.

**ADMINISTRATION:**

Elementary school principals will need to insure that systems are established for the assessment of students referred for Early Childhood Programs, that placements are based upon the recommendation of a school based assistance team, and that student placements are periodically reviewed to insure that all students are provided the opportunity to re-enter regular educational programs.

FISCAL NOTE WORKSHEET

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO HB2326 RESOLUTION NO \_\_\_\_\_

SUBJECT Early Childhood Programs Created; Eligibility and Standards for Placement; Guidelines and Criteria FUND \_\_\_\_\_

SOURCE OF REVENUE:  GENERAL  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST 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 AND ITEM 3 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:	\$	\$	\$570,000.00	\$598,750.00	\$ 628,688.00
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSE					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$570,000.00	\$598,750.00	\$ 628,688.00

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

\$10,000.00 x 55 counties = \$550,000.00 for assistance in implementing Early Childhood Programs.

\$ 2,500.00 x 8 RESA's = \$20,000.00 for RESA level training to county school personnel for implementing Early Childhood Programs.

IMPACTS

FISCAL: \$570,000.00 first year and 5 percent annual increase thereafter.

STATE STAFF: Unit of School Improvement, Office of General Education

DATE \_\_\_\_\_ AGENCY \_\_\_\_\_

AUTHORIZED REPRESENTATIVE \_\_\_\_\_

COMMENT LOG  
PROPOSED POLICY AND REGULATIONS FOR EARLY CHILDHOOD PROGRAMS CREATED;  
ELIGIBILITY AND STANDARDS FOR PLACEMENT; GUIDELINES AND CRITERIA

(POLICY 2311)

Directions: Please use this form in commenting by section on the proposed policy and regulations on Early Childhood Programs Created; Eligibility and Standards for Placement; Guidelines and Criteria.

NAME OF INDIVIDUAL/ORGANIZATION \_\_\_\_\_

ADDRESS \_\_\_\_\_

Proposed Policy	
Section 1:    — General       —	
Section 2:    — Program Definition	
Section 3:    — Program Delivery	
Section 4:    — Eligibility	
Section 5:    — Placement     —	

Section 6: Personnel	
Section 7: Program Assurances	
Section 8: Funding	

Please submit comments by November 20, 1989 to:

Thomas J. Currie, Acting Director  
Office of General Education  
West Virginia Department of Education  
Building 6, Room B-330  
Charleston, West Virginia 25305