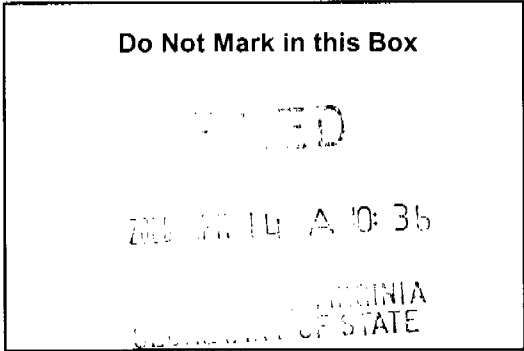


WEST VIRGINIA
SECRETARY OF STATE

BETTY IRELAND

ADMINISTRATIVE LAW DIVISION

Form #2



NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative CITE AUTHORITY: W. Va. Constitution, Article XII, §2, W. Va. Code §§18-2-5, 18-2-13f and 18-2-13h

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

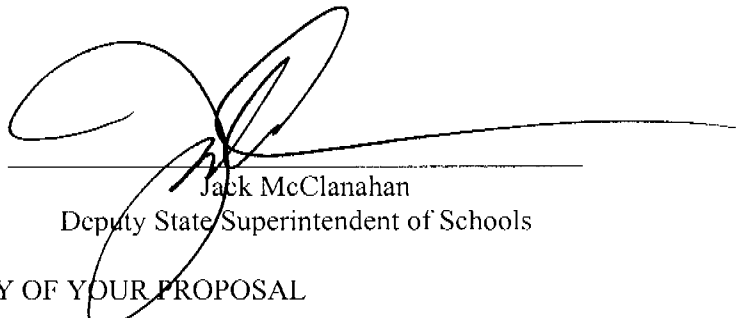
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 53

TITLE OF RULE BEING PROPOSED: High Quality Standards for Juvenile Institutional Education Programs (2325)

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 May 15, 2006 AT 4:45 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Frank D. Andrews, Superintendent
Office of Institutional Education Programs
West Virginia Department of Education
Capitol Building 6, Room 728
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

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



Jack McClanahan
Deputy State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

#4.60

**EXECUTIVE SUMMARY
AND
WEST VIRGINIA BOARD OF EDUCATION POLICY**

Policy Number and Title:

Policy 2325
High Quality Standards for Juvenile Institutional Education Programs

Background:

- Two recent reports have recommended that the West Virginia Board of Education develop education standards for children and youth in out-of-home care (viz., *Reaching Every Child: addressing Educational Attainment of Out of Home Care Children in West Virginia (2005)* and *Advancing New Outcomes: Findings, Recommendation & Initial Actions of the West Virginia Commission to Study Residential Placements in Children (2006)*).
- Policy 2325 establishes high quality standards for juvenile institutional education programs under the governance of the West Virginia Board of Education and the State Superintendent of Schools.
- These proposed standards have been modeled after the state's accreditation standards set forth in Policy 2320: A Process for Improving Education: Performance Based Accreditation System.

Reasons for New Policy:

- The purpose of establishing high quality standards for juvenile institutional education programs is to provide for the accreditation of programs provided by the Department of Education's Office of Institutional Education Programs in juvenile institutions.

Impact:

- The adoption of standards for the West Virginia Department of Education's Office of Institutional Education Programs assures that juveniles in institutions are afforded the opportunity to receive an adequate and appropriate education in accordance with applicable state and federal laws, policies and regulations.
- The adoption of standards assures that juveniles in institutions are able to advance in school and are prepared for reentry to public schools, postsecondary education or the world of work.
- Program accreditation assures effective and efficient education programs in juvenile institutions.
- Program accreditation provides accountability to the public for the education provided by the Office of Institutional Education Programs.

Response to Comments:

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

FILED
2006 APR 14 A 10:37

SERIES 53
HIGH QUALITY STANDARDS FOR JUVENILE
INSTITUTIONAL EDUCATION PROGRAMS (2325)

WEST VIRGINIA
DEPARTMENT OF STATE

§126-53-1. General.

1.1. Scope. - This rule establishes high quality standards for juvenile institutional education programs under the governance of the West Virginia Board of Education (hereinafter WVBE) and the State Superintendent of Schools. These standards are not applicable to education programs in juvenile detention centers.

1.2. Authority. - West Virginia Constitution, Article XII, §2 and W. Va. Code §§18-2-5, 18-2-13f and 18-2-13h.

1.3. Filing Date. -

1.4. Effective Date. - July 1, 2006.

1.5. Repeal of Former Rules. - None, this is a new rule.

§126-53-2. Purpose.

2.1. The purpose of establishing high quality standards for juvenile institutional education programs under the governance of the WVBE and State Superintendent of Schools is to provide for the accreditation of these programs by the Office of Education Performance Audits. Program accreditation assures effective and efficient education programs and accountability to the public for the education provided by the West Virginia Department of Education's Office of Institutional Education Programs in juvenile institutions.

§126-53-3. High Quality Standards.

3.1. The WVBE hereby adopts education standards for the West Virginia Department of Education's Office of Institutional Education Programs that assure juveniles in institutions are afforded the opportunity to receive an adequate and appropriate education in accordance with applicable state and federal laws, policies and regulations; continue to advance in school; and are prepared for reentry to the public schools, postsecondary education or the world of work. The Office of Institutional Education Programs, in order to define its education programs, shall establish operational policies and implement written procedures that reflect the education standards adopted by the WVBE.

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3.2. Governance, Leadership, Mission, and Planning. The mission of the organization is reflected in strategic planning and daily governance.

3.2.1. Legal Basis. There is a legal basis for the organization/school to provide education programs in institutions.

3.2.2. Mission and Goals. The mission and goals of the organization/school provide direction for planning the school's education program.

3.2.3. Leadership and School Culture. Effective leadership exists at the organization, school, and classroom levels. Leadership is demonstrated by vision, school culture and instruction, management and environment, community and professionalism.

3.2.4. Strategic Plan. School leaders collaborate with school staff to develop and implement a formal, written Strategic Plan. The Strategic Plan is based on data regarding student achievement, program delivery and student outcomes. The Strategic Plan provides for the establishment, implementation, evaluation and monitoring of a continuous process of school improvement. The strategic plan is reviewed and updated annually.

3.3. Curriculum and Instruction. The curriculum and instructional practices of the organization and the school are based on WVBE policy and research, and ensure that institutionalized students have an adequate and equitable opportunity to learn.

3.3.1. Curriculum Based on Content Standards and Objectives. The curriculum is based on the content standards and objectives approved by the WVBE. Content standards are used by schools to guide instruction.

3.3.2. High Expectations. Through curricular offerings, and instructional and administrative practices, staff demonstrates high expectations for the learning and achieving of all students.

3.3.3. Equal Opportunity. Curriculum, instructional practices, and instructional materials ensure that all students have equal opportunity to acquire the knowledge and skills needed to succeed academically and in the workplace.

3.3.4. Learning Environment. School staff provides a safe, positive and nurturing environment that is conducive to learning.

3.3.5. Instruction. Instruction is consistent with the content standards and objectives and appropriate for the student's developmental and grade level.

3.3.6. Instruction in Writing. Instruction in writing shall be a part of every student's weekly education program in every appropriate class.

3.3.7. Library/Educational Technology Access and Technology Application. The application of technology is included throughout the school program and students have regular access to library/educational technology centers or classroom libraries.

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3.3.8. Instructional Materials. All students have access to approved and appropriate up-to-date textbooks, instructional materials, and other resources in all curricular areas.

3.3.9. Core Programs. The school's course offerings include the four core academic areas (English/language arts, mathematics, social studies, and science) and programs in developmental guidance, career development and transition skills.

3.3.10. Elective Offerings. An elective offering must be based on approved WVBE content standards and objectives or have written goals and objectives that are approved by the WVBE.

3.3.11. Lesson Planning. Teachers prepare lesson plans in advance. Lesson plans are based on approved content standards and objectives. The administrator reviews lesson plans a minimum of once each quarter and provides written feedback.

3.3.12. Research-Based Instructional Strategies. Staff demonstrates the use of research-based instructional strategies that facilitate learning for all students.

3.3.13. Tolerance and Diversity Education. Tolerance and diversity education is included in the school program, with an emphasis on prevention and zero tolerance for racial, sexual, religious/ethnic harassment or violence.

3.3.14. Instructional Day. Priority is given to teaching and learning, and classroom instructional time is protected from interruption. The educational program will provide students the opportunity for a full instructional day in accordance with W. Va. 126CSR42, WVBE Policy 2510, Assuring the Quality of Education: Regulations for Education Programs. The school submits a calendar with a minimum 180 instructional days. An extended school term is provided as required by statute or interagency agreement.

3.3.15. Alignment with Job Market Opportunities. The career-technical training programs are aligned with job market opportunities.

3.3.16. Career Clusters and Majors. Students have an opportunity to examine a system of career clusters in grades 5-8 and to select a career cluster to explore in grades 9 and 10.

3.3.17. Career Advisement. Students are provided advisement opportunities to allow them to choose a career major prior to completion of grade 10.

3.3.18. Work-Based Learning. A work-based learning experience, such as workplace simulation, community service or school or facility-based enterprises, is provided for all students at some time in grades 9-12.

3.3.19. Monitoring Student Progress. Student progress is frequently monitored through assessment, and the results are used to improve instruction.

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3.3.20. Flexibility of Instruction. The instructional program will accommodate the frequent entry and exit of students.

3.4. Performance Measures for Accountability. The organization/school uses multiple measures to annually evaluate program effectiveness.

3.4.1. Student Achievement. Students demonstrate mastery of the state content standards and progress in academic achievement.

3.4.2. Units of Credit. Students accrue school credits that meet state requirements for grade promotion and secondary school graduation.

3.4.3. School Advancement. Through participation in the school's education program, students advance to the next education level.

3.4.4. Program Completion. Students earn a high school or General Educational Development (GED) diploma.

3.4.5. Career-Technical Credentials. Students earn licenses, certificates and other credentials recognized by business and industry in career technical programs.

3.4.6. Transition Success. Successful transition is demonstrated by student re-entry to public school, enrollment in postsecondary education, or entry to the workforce.

3.5. Student Planning and Services. Services to students facilitate academic achievement and personal development.

3.5.1. Data Analysis. The school analyzes, interprets, and uses student performance data to identify and assist students who are not at grade level in achieving mastery of the state content standards and objectives.

3.5.2. Guidance and Advisement. Students are provided specific guidance and advisement opportunities in the areas of academic development, career development and personal/social development.

3.5.3. Counseling Services. School counselors shall spend at least seventy-five percent (75%) of the work day in a direct counseling relationship with students, and shall devote no more than twenty-five percent (25%) of the work day to counseling-related administrative activities.

3.5.4. Enrollment and Transfer of Records. The school properly enrolls residents in the education program, completes intake interviews and assessments, and obtains education records.

3.5.6. New Student Orientation. The school provides students with an orientation to education programs, services and behavioral expectations.

3.5.7. Student Assessment and Program Planning. School-based teams use comprehensive assessment to facilitate and expedite student planning and programming. An

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individual program plan is developed for each student. Plans address academic performance and behavioral intervention strategies.

3.5.8. Student Records. Teachers maintain student education progress reports and/or grades, which are incorporated into the student cumulative records. Access, storage and transfer of student records meet the requirements of privacy and confidentiality according to law and regulation.

3.5.9. Educational Incentives. There are operational policies and procedures and evidence of implementation and practice that provide educational incentives to encourage student involvement and achievement in educational programs.

3.5.10. Programs for Segregated Students. There are operational policies and procedures and evidence of implementation and practice for providing or restricting educational programming to students in segregated, restricted, or suspended status.

3.5.11. Transition Plans. The school develops and implements an Individualized Student Transition Plan (academic five-year plan) for each student.

3.5.12. Transition. The school has a process for student transition and follow-up. Upon student discharge, the school transfers education records in a timely fashion.

3.5.13. Equal Access. All students have equal access to educational opportunities regardless of gender, race, or disability.

3.6. Special Education and Title I Services. The organization and school provide equal educational opportunity to all students with disabilities.

3.6.1. Policy and Procedure. The organization and school follow approved procedures for implementing state, and federal policy regarding special education and Title I services.

3.6.2. Monitoring. Special education and Title I program monitoring results are reviewed and findings are corrected or an approved plan exists for correction.

3.7. Facilities. The organization and school work in collaboration with the host agency to provide safe and adequate facilities for learning.

3.7.1. Adequate Facilities. Facilities are adequate to meet the needs of students and to provide an environment conducive to learning.

3.7.2. Safe Facilities. Facilities are safe and free of hazards. Observable safety hazards are reported and corrected, following procedures in interagency agreements.

3.7.3. Interagency Agreements. Interagency agreements clearly specify host agency responsibilities for providing adequate facilities and maintenance.

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3.7.4. Regulatory Agency Reviews. Following facility reviews and inspections by regulatory agencies, findings are reported and deficiencies corrected consistent with interagency agreements.

3.8. Administrative Practices. The organization and school consider data and research, and implement procedures that conform to W. Va. Code and WVBE policy to achieve the consistent and efficient operation of school programs.

3.8.1. Organization Policy and Procedure Manual. An organizational policy and procedure manual provides guidance in the implementation of applicable WVBE policies, state and federal laws and regulations, accreditation standards, personnel policies and procedures and directives from the State Superintendent of Schools or designated staff.

3.8.2. Organization Policy Implementation. The organization and school implement policies and operational procedures as set forth in the policy manual.

3.8.3. Statewide Assessment. Test security measures are in place for mandated statewide testing. Students in appropriate grade levels participate in statewide assessments.

3.8.4. Assessing Academic Gains. The school administers pre- and post-assessments to measure students' academic gains.

3.8.5. Measuring Mastery. The school assesses students' mastery of state content standards and objectives.

3.8.6. Codes of Conduct. The organization and school implement, investigate, and monitor the code of conduct for students (W. Va. 126CSR99, WVBE Policy 4373) and the code of conduct for employees (W. Va. 126 CSR162, WVBE Policy 5902, Employee Code of Conduct).

3.8.7. Student-Teacher Ratio. An organizational policy or procedure establishes maximum teacher-pupil ratios consistent with student needs and established legal requirements.

3.8.8. School-Host Agency Collaboration. The school and host agency develop a collaborative partnership that ensures a positive school culture and supports the delivery of a high quality education program.

3.8.9. Communication. School and host agency staff collaborate to share information about students' educational needs and progress and to plan transition and discharge.

3.8.10. Parents. The school provides parents with information concerning student progress and encourages parental participation in the education process.

3.8.11. Physical Assessment. The school participates in the appropriate statewide physical assessment program.

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3.9. Safe, Drug Free, Violence Free, and Disciplined Schools. The school maintains a safe, drug free, violence free, and disciplined learning environment that ensures the physical, social, and emotional well being of students and staff and that respects individual differences.

3.9.1. School Rules, Procedures, and Expectations. School rules, procedures, and expectations are written, clearly communicated and enforced.

3.9.2. Behavior Management. There is a uniform and consistent approach to managing student behavior that includes the establishment and implementation of written procedures, staff training and collection and analysis of data.

3.9.3. Policy Implementation. The organization develops and implements operational policies and procedures, consistent with WVBE policies and W. Va. Code, governing employee disciplinary procedures; racial, sexual, religious/ethnic harassment and violence; substance abuse; tobacco use; student confidentiality; grading; health and safety of staff and students, security, staff-student relationships; supervision of students; and reporting of child abuse and neglect.

3.10. Finance. The organization and school use resources efficiently and effectively for student, school and organization performance and progress.

3.10.1. Resource Allocation. Resource allocations ensure that all students are provided equal education opportunities through qualified personnel and adequate, appropriate instructional materials, supplies, and equipment.

3.10.2. Allocations for School Improvement. Resources for school improvement are allocated and expended toward meeting the goals and objectives of the strategic plan.

3.10.3. Accounting Practices. Organization/school accounting procedures are consistent with state policies and procedures.

3.11. Personnel. The organization employs personnel to deliver high quality programs and services to students that ensure academic success; implement employment hiring and assignment practices that conform with W. Va. Code and WVBE policy; and promote the development of human resources.

3.11.1. Hiring. The organization follows hiring practices set forth in the WVBE approved Employee Handbook for Institutional Education.

3.11.2. Licensure. Professional educators and other professional personnel are licensed for their assignments under WVBE policy.

3.11.3. Evaluation. The organization and school implement an evaluation policy for professional and service personnel in accordance with WVBE policy.

3.11.4. Orientation and Mentoring. The organization develops operational policies and implements procedures for the orientation of new employees. The organization develops and

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implements a beginning teacher internship program and a beginning principal internship program.

3.11.5. Staff Development. The organization develops operational policies and implements procedures for the delivery of professional growth and development opportunities for employees. School staff participate in required staff development training.

FISCAL NOTE WORKSHEET

(Submit 4 Copies)

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

SUBJECT Policy 2325: High Quality Standards for Juvenile Institutional Education Programs
 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	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):

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

March 20, 2006

West Virginia Department of Education

Stewart Paine

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POLICY 2325: High Quality Standards for Juvenile Institutional Education Programs

COMMENT PERIOD ENDS: May 15, 2006

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2325: High Quality Standards for Juvenile Institutional Education Programs. 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

§126-53-1. General.

§126-53-2. Purpose.

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§126-53-3. High Quality Standards.

Please direct all comments to:

Frank D. Andrews, Superintendent
Office of Institutional Education Programs
West Virginia Department of Education
Capitol Building 6, Room 728
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: fandrews@access.k12.wv.us
Fax No.: (304) 558-5042.