

**WEST VIRGINIA  
SECRETARY OF STATE**

**KEN HECHLER**

**ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In this Box

FILED

AUG 27 PM 12:59

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126  
RULE TYPE: Legislative; CITE AUTHORITY WV Code 18-2E-3 and 18-9A-13b  
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: 61 (Policy 2522)

TITLE OF RULE BEING PROPOSED: Remediation and Acceleration Programs

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 4, 1990 AT 9:00 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WV Department of Education  
Bureau of General, Professional  
and Special Education  
Room B-318, Bldg. #6  
Capitol Complex  
Charleston, WV 25305

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

*Barbara L. Estep*  
August 22, 1990

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FISCAL NOTE WORKSHEET

HD NO 2326 DRAFT NO \_\_\_\_\_ BILL NO Senate Bill 14 RESOLUTION NO \_\_\_\_\_

SUBJECT Remediation and Acceleration Program FUND

SOURCE OF REVENUE:  GENERAL  SPECIAL  OTHER (SPECIFY) 2860-22-990-16

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	\$	\$	\$2,000,000.00	\$ 200,000.00	\$2,205,000.00
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$2,000,000.00	\$ 200,000.00	\$2,000,000.00

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

	FY91	FY92	FY93
Noncompetitive grants to counties for State Board approved remediation and acceleration programs.	\$2,000,000.00	\$2,100,000.00	\$2,205,000.00

IMPACTS

FISCAL:

STATE STAFF: Instructional Improvement Unit, Office of General Education

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

TITLE 126  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EDUCATION  
Chapter

Series 61  
(Policy 2522)

TITLE: Remediation and Acceleration Programs

---

Section 1.0 General

- 1.1 Scope - The legislative rule establishes guidelines and procedures for the development of remediation and acceleration programs and distribution of grants to schools for the purpose of implementation of remediation and acceleration programs.
- 1.2 Authority - WV Code 18-2E-3 and WV Code 18-9A-13b
- 1.3 Filing Date -
- 1.4 Effective Date -
- 1.5 Repeal of Former Rule - None. This is a new rule.
- 1.6 Sections Listed:
  - 1.0 General
  - 2.0 Applicability
  - 3.0 Purpose
  - 4.0 Program Definitions
  - 5.0 Student Selection
  - 6.0 Program Delivery
  - 7.0 Staff Development
  - 8.0 Grant Procedures
  - 9.0 Waivers
  - 10.0 Reporting

Section 2.0 Applicability

West Virginia Code §18-2E-3 requires the State Board of Education to adopt rules requiring school districts to provide remediation and acceleration instructional programs for students who fail to meet state/county performance standards, or who exceed state/county performance standards under the statewide testing program. Additionally, West Virginia Code §18-9A-13b requires that the State Board of Education award grant funds, appropriated by the legislature, to school districts to develop and implement State Board approved remediation and acceleration programs. A written plan shall be submitted for use of these funds. The goal of the school district plan for remediation and acceleration programs shall be to facilitate the delivery of services and instruction designed to meet the diagnosed needs of eligible students.

### Section 3.0 Purpose

The purpose of a remediation and acceleration program is to reduce the number of students who fail to make acceptable progress toward attaining a high quality education as indicated by state/county standardized test scores and/or teacher assessment; to improve the academic performance of students who have scored below standards; to provide opportunities for students achieving above the norm; and to provide additional, quality educational opportunities to students before they exit the school system. The purpose of the grant program is to award funds for the development and implementation of State Board approved remediation and acceleration programs.

### Section 4.0 Program Definitions

- 4.1 Remediation is a systematic, educational process addressing specific individual needs, resulting from nonmastery of instructional goals and objectives in the basic skills areas. The program is based on intensive, early, and continuous intervention until the student has mastered the needs in the skills assessment.
- 4.2 Acceleration is a progressive movement along a sequential, hierarchial academic continuum earlier than the norm. Enrichment opportunities should be included in acceleration programs.

### Section 5.0 Student Selection

- 5.1 The school district will establish criteria, subject to State Board approval, for eligibility for remediation and acceleration programs.
- 5.2 Remediation and acceleration programs are designed, but not limited to, students who are not currently serviced through Chapter 1 programs or other federal/state programs.
- 5.3 Students, receiving test scores below grade level standards in a particular subject area under the statewide testing program, and/or, in the judgement of the teacher, the level of knowledge of the student in the subject area will not sufficiently improve through instruction in the classroom to enable the student to obtain a score at or above the state standard upon retesting, the teacher shall provide and/or recommend a remediation program in that subject.
- 5.4 When the student's level of knowledge in the subject area would improve to a greater extent from participation in programs that cannot be reasonably accomplished in the regular classroom, the teacher shall provide and/or recommend an acceleration program.
- 5.5 Notification shall be provided to the parent or guardian before the student can be placed in a remediation or acceleration program. This notification shall include the educational deficiency or strength of a student subject to remediation or acceleration and shall encourage their involvement in the remediation or acceleration effort, including allowances for alternative remediation or acceleration plans to be implemented by the parent or guardian with approval of the teacher.

## Section 6.0 Program Delivery

- 6.1 Remediation, and acceleration programs must begin in the regular classroom and be integrated with the regular curriculum. Remediation programs are based on intensive, early, continuous intervention; and on a variety of instructional strategies and specialized materials. Acceleration programs should provide a challenging curriculum to those students who are performing and achieving above their chronological peers.
- 6.2 The selection of the most appropriate delivery system for remediation and acceleration programs will depend upon student, teacher, and school variables. Instruction in remediation and acceleration programs shall be accomplished within the regular classroom or at such times that will result in minimum disruption in the student's regular instruction in the basic skills and to the extent possible shall use existing personnel.
- 6.3 Outcomes
- 6.3.1 Student Outcomes
- The teacher(s) responsible for remediation and acceleration instruction will assess student performance, achievement, and level of proficiency. Students who are assigned to a remediation program may be retested at any time during such program at the discretion of the teacher to determine the student's continued need for the program. Upon receiving a score at or above state standard, the student shall not be retested at that level. Students exit the remediation and acceleration program when they have mastered the skills identified as needs in the initial assessment.
- 6.3.2 Program/School Outcomes
- Each school must implement a system to evaluate the effectiveness of the remediation and acceleration program.
- 6.3.3 School District Outcomes
- A written description of the process used to evaluate the effectiveness of the remediation and acceleration programs must be provided.
- 6.4 Notwithstanding any other provisions of statute or rules, testing of students for comparison with national norms or for the purposes of program placement shall be limited to six instructional days in each school year unless the difference between the number of days required and six are added to the instructional term for students and the employment term for necessary personnel.
- 6.5 Nothing in this policy shall be construed to prevent teachers from exercising their judgment in the assignment of remedial course work, the retention of students at the same grade level or in the practice of other academically sound principles to increase the classroom performance of students despite a student's standardized test score at or above the state standard.

## Section 7.0 Staff Development

- 7.1 A needs assessment process is the first step in planning a quality staff development program. Subsequently, goals and objectives for staff development programs will be established.
- 7.2 Staff development, reflecting total school need, is integral to the success of instruction.
- 7.3 School personnel must be prepared to:
  - a) identify those students who are in need of remediation and acceleration programs;
  - b) provide appropriate instruction; and
  - c) evaluate student progress in terms of mastery.
- 7.4 Evaluation of staff development will be conducted to determine if goals and objectives have been met and if further staff development is necessary.

## Section 8.0 Grant Procedures

- 8.1 West Virginia Code 18-9A-13b grants authority to the West Virginia Department of Education to develop and administer a non-competitive grant program for funds allocated by the legislature for implementation of school district developed and state board approved remediation and acceleration programs.
- 8.2 School districts shall submit a grant application to the West Virginia Department of Education for State Board approval.
- 8.3 The grant application shall include a three year plan subject to annual evaluation and modification that meets with State Board approval...
- 8.4 The grant application shall include the following: a description of the prioritized remediation and acceleration needs; criteria for student selection; estimated number of participants; project goals and objectives; description of program delivery outline; a description of involvement of school teams, school advisory councils, and other groups in project development; a description of the project evaluation process; and a budget summary.
- 8.5 Funding
  - 8.5.1 Appropriated funds will be allocated to school districts by the State Department of Education on an annual basis.
  - 8.5.2 These funds may be used to a) develop, initiate, or expand remediation and acceleration programs for appropriately identified students; b) provide staff development necessary to implement remediation and/or acceleration programs. At least 50% of the funds must be used in the direct provision of service and programs to students.

8.5.3 The school district must use funds to supplement, and not supplant, state and local funds that would, in the absence of these grant funds, have been used for remediation and acceleration programs.

8.5.4 The school district may make grants to individual schools where remediation and acceleration plans have been developed, and the plans have been approved by the county board of education and the State Board of Education.

8.5.5 The school district may contract with a Regional Education Services Agency or other service agencies; another school district; and/or higher education institutions to expedite, improve, or enable the district to deliver programs efficiently and effectively.

#### Section 9.0 Waivers

A school district board of education may request from the State Board in writing a waiver from the guidelines established by the state board if:

- (1) The implementation of remediation and acceleration programs under the guidelines would cause an undue financial hardship or the district has a low number of students requiring such programs, and
- (2) The district board implements an alternative plan of remediation and acceleration programs approved by the State Board for those students who would be required to attend such programs under this section.

#### Section 10.0 Reporting

10.1 School districts shall annually evaluate the remediation and acceleration programs in the district as prescribed by State Board rules and report findings to the Department of Education. If the state/county standardized test scores of students assigned to the programs do not show acceptable improvement as determined by the State Board, the programs must undergo formal process evaluation. Further state funding will be contingent upon an approved corrective action plan.

10.2 The State Superintendent of Schools shall report annually to the State Board of Education detailed school district information concerning test scores and waivers granted.

10.3 By November first of each year, the State Board shall report to the Legislature an analysis of test scores and data for the preceding school year, including an analysis by the Department of Education of data necessary to evaluate at the school level the effectiveness of these programs and the per student cost of each classification of student under the rules of the board. Additionally, a longitudinal analysis of the data must be provided to determine the long term effect of program participation on academic achievement of students.

COMMENT LOG  
REMEDATION AND ACCELERATION PROGRAMS  
(Policy 2522)

Directions: Please use this form in commenting by section on the proposed regulations on Remediation and Acceleration Programs.

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

ADDRESS \_\_\_\_\_

Section	Comment
Section 1: Background	
Section 2: Purpose	
Section 3: Programs	
Section 4: Student Selection	
Section 5: Staff Development	
Section 6: Grant Procedures	
Section 7: Waivers	
Section 8: Reporting	

Please submit comments by August 7, 1990 to:

PHYLLIS BARNHART, Coordinator, Science  
or  
DR. ROBERT HARRISON, Coordinator, Reading/English/Language Arts  
Capitol Complex, B-330  
1900 Kanawha Blvd., East  
Charleston, West Virginia 25305

WEST VIRGINIA DEPARTMENT OF EDUCATION  
IMPACT STATEMENT FOR  
STATE BOARD POLICIES AND REGULATIONS

INSTRUCTION

The quality of instruction will be improved. Students, who are not functioning at an appropriate level in the regular classroom, will have the benefit of new Remediation programs designed to help them improve their knowledge and skill so that they will be able to progress at a satisfactory rate with their peers. Students, who are exceeding appropriate levels in the regular classroom, will have the benefit of new acceleration programs designed to help them improve and enrich their knowledge and skills.

LEADERSHIP

School district administrators, school administrators, and/or school teams will be responsible for developing, implementing, and evaluating remediation and acceleration programs. They will also be responsible for submitting a remediation and acceleration grant application to the West Virginia Department of Education for approval by the State Board of Education.

STAFF DEVELOPMENT

Staff development is integral to the success of remediation and acceleration programs. School personnel, involved with the program, should be provided with appropriate training in identification criteria, identification of students, instructional techniques, and evaluation measures.

ADMINISTRATION

School districts will administer grant funds appropriated by the State Board for approved remediation and acceleration programs.