

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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SECRET

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: WV Code 18-2E-3 and WV Code 18-9A-13b

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE: X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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 ADOPTED: 61 (Policy 2522)

TITLE OF RULE BEING ADOPTED: Remediation and Acceleration Programs

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS December 5, 1990

Barbara J. Estep
October 23, 1990

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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 _____
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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 - October 23, 1990
- 1.4 Effective Date - December 5, 1990
- 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, hierarchical 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

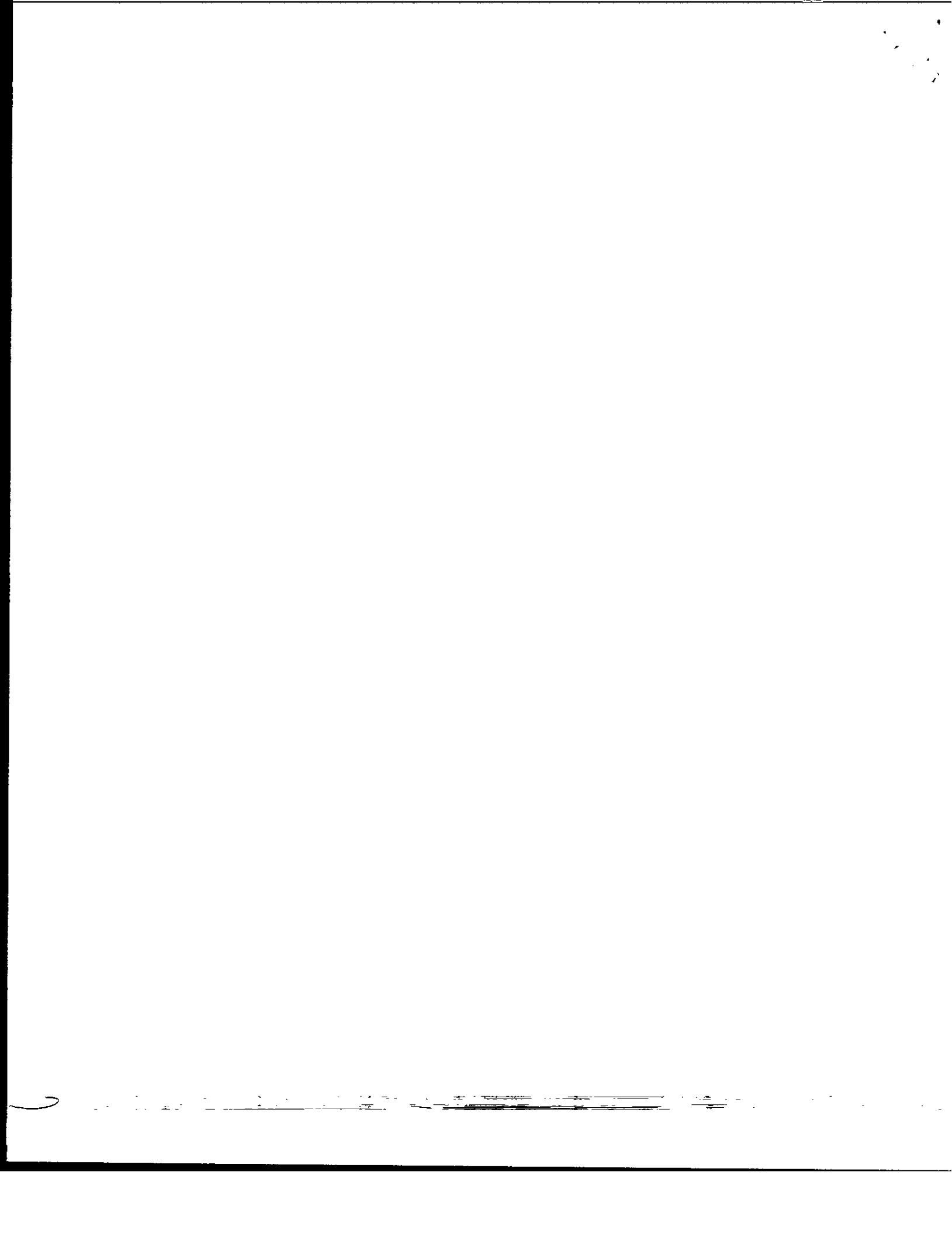
Each school must implement a system to evaluate the effectiveness of the remediation and acceleration program.

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 continued to prevent teachers from exercising their judgement 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 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 including 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.



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(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

TO: Barbara Estep

AGENCY: Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 6, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 61 TITLE: 126 Education

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Barbara L. Estep

TITLE OF PERSON SIGNING: Exec. Sec. WV Board of Ed.

DATE: July 31, 1992

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.