

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

Form #2

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1992 MAR 13 PM 4:36  
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 WV code 18-5-15

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: 73 (Policy 3234)

TITLE OF RULE BEING PROPOSED: Year Round Education 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 April 13, 1992 AT 5:00 p.m.

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

Mr. James F. Snyder  
Assistant Division Chief  
Division of Instructional and Student Svcs.  
Room B-318, Bldg. #6  
Capitol Complex  
Charleston, WV 25305

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

Barbara J. Estep  
March 13, 1992

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

2.80

FISCAL NOTE WORKSHEET

HB NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT Policy 3234: Year-Round Education Programs 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	\$	\$	\$ -0-	\$ -0-	\$ -0-
PERSONAL SERVICES					
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$ -0-	\$ -0-	\$ -0-

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

The attached Policy 3234: Year-Round Education Programs is a permissive policy which does not require programs, therefore, there is no fiscal impact.

DATE  
3-13-92

AGENCY  
Legislative

AUTHORIZED REPRESENTATIVE  
[Signature]

Policy 3234:  
Year-Round Education Programs

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Executive Summary

Purpose

The purpose of this policy is to provide the vehicle for schools and county school districts to apply for and receive approval to establish, operate and maintain year-round education programs.

Background

West Virginia Code 18-5-15, School Terms; exceptions; levies; ages of persons to whom schools are open, states that "(a) The board shall provide a school term for its schools which shall be comprised of (1) an employment term for teachers, and (2) an instructional term for pupils. Nothing in this section shall prohibit the establishment of year-round schools in accordance with rules to be established by the state board." A request has been received from Kanawha County to permit Piedmont Elementary School to establish, operate and maintain a year-round education program for the 1992-93 school year.

To date, 1,668 elementary, middle and secondary schools operate nationally on some form of year-round education program. Thirty-seven (37) programs are operating in the 1991-92 school year within the Southern Growth Policies Board states, which includes West Virginia. Twenty-seven (27) programs are operating in Florida; six (6) in North Carolina; two (2) in Louisiana; and one (1) each in Virginia and Georgia.

With the dawning of Policy 2000, this year-round education policy will provide flexibility and a sound alternative educational practice to the school calendar for schools in West Virginia. During the past year Cabell County conducted an extensive study on year-round education programs. It appears that Cabell county has a sincere interest in this concept.

TITLE 126  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EDUCATION  
SERIES 73  
POLICY 3234

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SECRETARY OF STATE

Title: Year-Round Education Programs

Section 1. GENERAL

- 1.1 Scope This policy provides the opportunity for school(s) or school districts to receive approval to establish, operate and maintain year-round education programs in West Virginia.
- 1.2 Authority West Virginia Code 18-5-15. School terms; exceptions; levies; ages of persons to whom schools are open
- 1.3 Filing Date
- 1.4 Effective Date
- 1.5 Replaced Policy None

Section 2. Purpose

The purpose of this policy is to provide more flexibility to local school districts to create programs and formats that will best meet the educational needs of students by providing the opportunity for schools and school districts to conduct year-round education.

Section 3. Application

- 3.1 In order to operate a year-round school, a county board of education must submit a proposal to the West Virginia Board of Education requesting permission to establish, operate and maintain a year-round education program to be conducted in a school(s) or county school district.
- 3.2 A county board of education requesting permission to establish, operate and maintain a year-round education program in a school(s) or school district shall submit a school calendar designating the instructional days, employment term and the year-round education format.
- 3.3 Approval may be granted for a period of one year and may be renewed annually.
- 3.4 This policy does not require the establishment of year-round education, therefore, proposals will be submitted and reviewed on a school by school or county school district by county school district basis.

Section 4. Proposals

- 4.1 A proposal to establish, operate and maintain a year-round education program must be approved by the county superintendent and the county board of education prior to being submitted to the West Virginia Board of Education.
- 4.2 Proposals must include a rationale for the establishment of the year-round education program and illustrate how student learning will be enhanced in a year-round education program.
- 4.3 Personnel, professional and service, employed at the school or schools which will have year-round education programs must be allowed to consider employment at the school or schools.
- 4.4 Schools operating on a year-round education schedule will be designated schools for all children within the school attendance area and will be available to students outside the attendance area according to county policy.
- 4.5 In addition to a school calendar, counties will submit additional fiscal and other data as required by the State Superintendent of Schools.

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RESPONSE FORM  
Year-Round Education Programs  
Policy 3234

Directions: Please use this form in commenting on the proposed policy.

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

ADDRESS: \_\_\_\_\_

Policy Section	Comments and Suggestions
Section 1: <u>General</u>	
Section 2: <u>Purpose</u>	
Section 3: <u>Application</u>	
Section 4: <u>Proposals</u>	
General Comments	

Please submit comments by April 3, 1992 to:

Mr. James F. Snyder  
Assistant Division Chief  
Division of Instructional  
and Student Services  
Capitol Complex, Bldg. 6, Room B-318  
Charleston, West Virginia 25305-0001

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## Impact Statements

### Instructional

■ Increased learning retention; ■ More time for frequent remediation; ■ A better chance that disadvantaged children will come to school prepared to learn; ■ Student attendance and behavior improves; ■ Enrichment and acceleration can be offered during vacation periods; ■ An opportunity to revise and improve the curriculum; ■ Students return from breaks more refreshed; ■ Reduction in juvenile delinquency in general; ■ Reduced vandalism of school buildings; ■ Student and staff burnout is reduced; ■ Teachers can earn additional compensation if they teach (work) during vacation periods; and ■ More flexibility for families in planning vacations.

### Leadership

Numerous studies illustrate that students experience a significant loss of learning over the long summer vacation periods. Studies also show that teachers spend four to six weeks each year in review at the beginning of school, resulting in less time to introduce new curriculum. Above-average students may gain one month's learning during the summer, while disadvantaged students average a loss of three to four months' learning.

Shorter vacations, more continuous learning and intersession remediation and acceleration could provide for increased achievement for all students.

### Staff Development

Though the total instructional days (180) could remain the same, the periods of instruction would change and staff development programs will be necessary. By extending the employment period, staff development could be provided during intersessions or teachers could use intersessions for planning, curriculum development or other experiences to enhance their teaching practices.

### Administration

County boards of education, county school districts, and individual schools will be responsible for the establishment, operation and maintenance of year-round education programs. As a result of annual renewal, each program will be reviewed for specific achievements, i.e., attendance, test scores, remediation, drop-out, and innovation before continuation approval will be granted by the State Board of Education.

### Fiscal

If the total number of instructional days remain the same, there would be no fiscal impact. However, if intersession classes are taught, extended teacher contracts could result in a fiscal impact.

WEST VIRGINIA STATE BOARD OF EDUCATION POLICY

Policy 3234:  
Year-Round Education Programs

Proposed Policy

The West Virginia Board of Education believes its mission is to establish and maintain a through, efficient, accountable and dynamic educational system. The Board is dedicated to providing students equal educational opportunities and assuring that West Virginia's students will graduate with the necessary knowledge and skills to succeed in a competitive, changing society. It is the role of the Board to make the crucial systematic changes necessary to reach this end.

Therefore, the West Virginia Board of Education is establishing this policy by which year-round education can be established in schools or school districts in West Virginia. This year-round education program will provide an alternative educational delivery calendar for learning that will be equal to or better than the calendar commonly used in West Virginia.

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