

WEST VIRGINIA  
SECRETARY OF STATE

JOE MANCHIN III

ADMINISTRATIVE LAW DIVISION

Form #2

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2002 SEP 16 P 3:26

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: Procedural CITE AUTHORITY: W.Va. Const., Article XII, § 2; W.Va. Code §18-2-5 and §18-2-35.

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: 208

TITLE OF RULE BEING PROPOSED: Programs to Strengthen Student Learning Ability (8350)

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 18, 2002 AT 4:45 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Karen Davies, Coordinator

Division of Instructional and Student Services

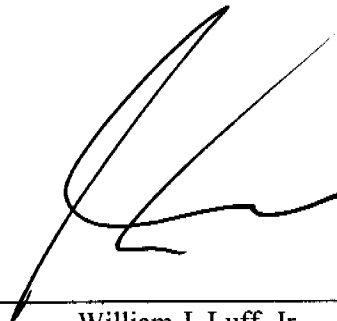
West Virginia Department of Education

Capitol Building 6, Room 318

1900 Kanawha Boulevard, East

Charleston, West Virginia 25305

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



William J. Luff, Jr.  
Deputy State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SCANNED

## **EXECUTIVE SUMMARY**

### **POLICY 8350**

#### **Programs to Strengthen Student Learning Ability**

##### **Background:**

Policy 8350 provides a process for the establishment of a more formal method to fund programs that strengthen student learning ability as required by House Bill 4022 adding West Virginia Code §18-2-35.

##### **Purpose:**

The purpose of this Board item is to seek the approval of the State Board of Education to place Policy 8350 out on public comment.

##### **Proposed:**

The program for strengthening student learning ability must include the following:

1. A procedure for schools to apply for funds to implement programs to strengthen student learning ability in accordance with the provisions of House Bill 4022 West Virginia Code §18-2-35;
2. Specific factors for determining need for each school applying for funds in accordance with subsection (e) of House Bill 4022 West Virginia Code §18-2-35;
3. A method for judging applications for funds on a competitive basis; and
4. A determination of the maximum percentage of total funds appropriated for the purposes of House Bill 4022 West Virginia Code §18-2-35 which may be distributed for use in grades six through twelve so that the priority for program implementation is at the prekindergarten and elementary levels.

126CSR208

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TITLE 126  
PROCEDURAL RULE  
BOARD OF EDUCATION

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COMMONWEALTH OF VIRGINIA  
SECRETARY OF STATE

SERIES 208

**Programs to Strengthen Student Learning Ability (8350)**

**§126-208-1. General.**

1.1. Scope - This procedural rule establishes the regulations for the establishment of a more formal method to fund programs that strengthen student learning ability.

1.2. Authority - W.Va. Const., Article XII, §2 and W. Va. §18-2-5 and §18-2- 35.

1.3. Filing Date -

1.4. Effective Date -

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

**§126-208-2. Purpose.**

2.1. To establish a more formal method to fund programs that strengthen student learning ability.

**§126-208-3. Program Content.**

3.1. A school is not eligible to receive an award of funds appropriated for the purpose of strengthening student learning ability unless the proposed program includes the following:

3.1.1. Assessment of the cognitive abilities of students;

3.1.2. Physical screening that identifies barriers to a student's ability to learn;

3.1.3. Development of a student-specific program to improve student learning ability based on the results of the assessment and physical screening;

3.1.4. Administration of learning development exercises that strengthen the ability of students to learn; and

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3.1.5. An evaluation of the program's impact, including factors such as: a) student test scores and other measures of student performance, b) the program's impact on special education referrals, c) program cost, and d) other information that the school may choose to provide for judging the value of the program.

### **§126-208-4. Appropriation Priority.**

4.1. The implementation of this program is most appropriate at the prekindergarten and elementary levels, therefore, prekindergarten through elementary levels (K-5) will receive priority and no more than twenty-five percent of total funds appropriated hereunder shall be distributed for use in grades six through twelve.

### **§126-208-5. Application Review.**

5.1. New applications will be judged for funding on a competitive basis based on need with consideration given to the following:

5.1.1. assessment test scores of the students,

5.1.2. percentage of students who are enrolled in special education programs,

5.1.3. dropout rates,

5.1.4. attendance rates,

5.1.5. the number of at-risk students,

5.1.6. monetary and in-kind resources available from other sources that will be committed to the program, and

5.1.7. grade level.

5.2. New applications will be reviewed by a panel of qualified educators.

5.3. Based on a competitive review, recommendations for funding of new applicants will be made by the West Virginia Department of Education personnel and final decisions will be made by the State Superintendent of Schools.

5.4. Continuation applications will be judged in accordance with §126-208-7.

### **§126-208-6. New Application.**

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6.1. Request for Proposals. - By June 30<sup>th</sup> of each year, the West Virginia Department of Education will distribute a request for proposals for new applicants to county superintendents.

6.2. The request for proposals will require each school to submit information outlined in §126-208-3. Program Content which includes a program evaluation.

6.3. Grants are funded for a period of one-year and may be continued, upon proper application, for an additional two years.

6.4. Proposals for new applications must be received by July 30<sup>th</sup> of each year.

6.5. Applications for funding shall be submitted to the:

Office of Instructional Services  
West Virginia Department of Education  
Building 6, Room 330  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0330.

6.6. Based on a competitive review, as outlined in §126-208-3 Program Content and §126-208-5 Application Review, recommendations for funding of new applicants will be made by the West Virginia Department of Education personnel and final decisions will be made by the State Superintendent of Schools.

6.7. Decisions for funding of awards are made by the State Superintendent of Schools and are final.

6.8. New grants will be awarded by August 30<sup>th</sup> of each year.

### **§126-208-7. Continuation Application.**

7.1. Continuation Application. - The West Virginia Department of Education will distribute, by April 30<sup>th</sup> of each year, an application for continuation for years two and three to applicants awarded an original grant. The Continuation Application will be sent to the school principal and shall include:

7.1.1. a checklist section to be completed by the principal of each school indicating that the school will accept a grant to implement the program in years two and three.

7.1.2. an evaluation effectiveness section which requires the school to submit

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evaluation information pertaining to the program's impact, including factors such as assessment test scores and other measures of student performance. Submitted information will be reviewed by the West Virginia Department of Education to determine the effectiveness of the program's implementation.

7.2. The Continuation Application must be received by May 30<sup>th</sup> of each year.

7.3. Continuation Applications for funding shall be submitted to the:

Office of Instructional Services  
West Virginia Department of Education  
Building 6, Room 330  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0330.

7.4. West Virginia Department of Education personnel will evaluate proposals for continued funding, based on the same criteria outlined in §126-208-3 Program Content and §126-208-5 Application Review, and may request additional information pertaining to the program's effectiveness.

7.5. Decisions for funding will be made by the State Superintendent of Schools and are final.

7.6. Grants will be awarded by August 30<sup>th</sup> of each year and shall not exceed the amount of funding awarded in the original grant.

### **§126-208-8. Severability.**

8.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

## FISCAL NOTE WORKSHEET

(Submit 4 Copies)

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

SUBJECT Programs to Strengthen Student Learning Ability 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		CURRENT	FISCAL YEAR		
	INCREASE	DECREASE		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):

This policy will not be of additional cost beyond legislative appropriation. All funds received from the legislature are granted to counties/schools as a flow through process.

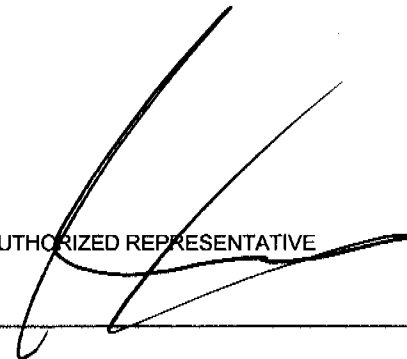
DATE

9/16/2002

AGENCY

WV Dept of Education

AUTHORIZED REPRESENTATIVE



**POLICY 8350: Programs to Strengthen Student Learning Ability.**

**Comment Response Form**

Please use this form when commenting on proposed Policy 8350. You may attach additional sheets if necessary.

**Individual/Organization:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_ **City/State/Zip:** \_\_\_\_\_

**Programs to Strengthen Student Learning Ability**

§126-208-1. General.

§126-208-2. Purpose.

§126-208-3. Program Content.

§126-208-4. Appropriation Priority.

§126-208-5. Application Review.

§126-208-6. New Application.

§126-208-7. Continuation Application.

§126-208-8. Severability.

**Return comments by October 18, 2002 to:**

**Karen Davies, Title I Coordinator  
Division of Instructional and Student Services  
West Virginia Department of Education  
Building 6, Room 318  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0330**

**E-Mail: [kdavies@access.k12.wv.us](mailto:kdavies@access.k12.wv.us) FAX: (304) 558-6268**