

WEST VIRGINIA
SECRETARY OF STATE

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

FILED

DEC 15 2 54

WEST VIRGINIA
SECRETARY OF STATE

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: W.Va. Constitution, Article XII, §2, W.Va. Code §18-2-5 and §18-2-35

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §§ 29A-3B-1, et seq.; W.Va. Board of Education
v. Hechler, 180 W.Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES _____ NO _____

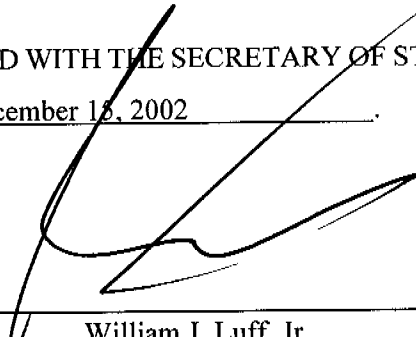
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

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)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS December 15, 2002.


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

SCANNED

EXECUTIVE SUMMARY

POLICY 8350

Programs to Strengthen Student Learning Ability

FILED
2007 NOV 15 P 4: 55
WEST VIRGINIA
SECRETARY OF STATE

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.

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.

Comments:

No comments received during the comment period.

126CSR208

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TITLE 126
PROCEDURAL RULE
BOARD OF EDUCATION

2002 NOV 15 P 4:55

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. Code §18-2-5 and §18-2-35.

1.3. Filing Date. -- November 15, 2002.

1.4. Effective Date. -- December 15, 2002.

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 30th 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 30th 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 30th of each year.

§126-208-7. Continuation Application.

7.1. Continuation Application. - The West Virginia Department of Education will distribute, by April 30th 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 30th 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 30th 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
