
1.1 Scope. - This rule establishes high quality standards for juvenile institutional education programs under the governance of the West Virginia Board of Education (hereinafter WVBE) and the State Superintendent of Schools. The system of performance audits shall assist the Office of Institutional Education Programs (hereinafter OIEP) in ensuring that the high quality standards are met by schools. These standards are not applicable to education programs in short-term juvenile “detention” centers.


1.3 Filing Date. - April 10, 2009

1.4 Effective Date. - May 11, 2009

1.5 Repeal of Former Rules. - This rule amends W. Va. 126CSR53, High Quality Standards for Juvenile Institutional Education Programs, Policy 2325, filed July 13, 2006 and effective August 14, 2006.


2.1. The purpose of establishing high quality standards for juvenile institutional education programs under the governance of the WVBE and State Superintendent of Schools is to provide for the accreditation of these programs by the Office of Education Performance Audits (hereinafter OEPA). Program accreditation assures effective and efficient education programs and accountability to the public for the education provided by the West Virginia Department of Education’s OIEP in juvenile institutions.


3.1. Operational Procedures. OIEP shall establish operational policies and implement written procedures that reflect the education standards adopted by the WVBE. These standards assure that juveniles in facilities under the governance of the WVBE and the State Superintendent of Schools are afforded the opportunity to receive an adequate and appropriate education in accordance with applicable state and federal
laws, policies and regulations; continue to advance in school; and, prepare for reentry to the public schools, postsecondary education or the world of work.

3.2. Curriculum and Instruction. The curriculum and instructional practices of the organization and the school are based on WVBE and OIEP policy and research, and ensure that students in these facilities have an adequate and equitable opportunity to learn.

3.2.1. Curriculum Based on Content Standards and Objectives. The curriculum is based on the content standards and objectives approved by the WVBE. Content standards are used to guide instruction.

3.2.2. High Expectations. Through curricular offerings, and instructional and administrative practices, staff demonstrate high expectations for the learning and achieving of all students.

3.2.3. Learning Environment. School staff provide a safe, positive and nurturing environment that is conducive to learning.

3.2.4. Research Based Instructional Strategies. Staff demonstrate the use of research based instructional strategies that facilitate learning for all students.

3.2.5. Instruction. Instruction is based on four core academic areas (English/language arts/reading, mathematics, social studies, science) and programs in developmental guidance appropriate for the student’s developmental and grade level. Elective offerings must be based on approved WVBE content standards and objectives or must have written goals and objectives that are approved by the Superintendent of OIEP. The instructional program will accommodate the frequent entry and exit of students. Frequent monitoring and assessment of student progress is utilized to guide and improve instruction.

3.2.6 Instruction in Writing. Instruction in writing shall be a part of every student’s weekly education program. Feedback on student writing shall be provided.

3.2.7. Instructional Materials and Library/Technology Access. All students have access to approved and appropriate up-to-date textbooks, instructional materials, and other resources in all curricular areas. Students have regular access to library/educational technology centers or classroom libraries.

3.2.8. Multicultural Activities. Multicultural activities are included at all programmatic levels with an emphasis on prevention and zero tolerance for racial, sexual, religious/ethnic harassment, or violence. (126CSR18, WVBE Policy 2421, Racial, Sexual, Religious/Ethnic Harassment and Violence Policy, hereinafter Policy 2421.)

3.2.9. Instructional Day. Priority is given to teaching and learning with a focus on the active engagement of students during designated instructional class time. An instructional day is provided that includes a minimum of 315 minutes for
kindergarten and grades 1 through 4; 330 minutes for grades 5 through 8; and 345
minutes for grades 9 through 12. The school submits to OIEP a calendar with a
minimum 180 instructional days (W. Va. Code §18-5-45; 126CSR42, WVBE Policy
2510, Assuring The Quality of Education: Regulations for Education Programs,
hereinafter Policy 2510). An extended school term is provided as required by statute or
interagency agreement.

3.3. Student and School Planning and Performance. The school's education
program provides the opportunity for students to learn at developmental and grade
appropriate levels to acquire the knowledge and skills needed to advance and succeed
in a competitive, changing society.

3.3.1. Mission and Goals. The mission and goals of the organization/school
provide direction for planning the school’s education program.

3.3.2. Strategic Plan. School leaders collaborate with school staff to
develop and implement a formal, written strategic plan. The strategic plan is based on
data regarding student achievement, program delivery, and student outcomes. The
strategic plan provides for establishment, implementation, evaluation, and monitoring of
a continuous process of school improvement. The strategic plan is reviewed and
updated annually.

3.3.3. Data Analysis. The school analyzes, interprets, and uses student
assessment and performance data to identify and assist students who are below grade
level in achieving mastery of the state content standards and objectives. The school
uses multiple measures to annually evaluate program effectiveness.

3.3.4. Staff Development (Continuing Education). The organization and
school provide for the delivery of professional growth and development opportunities for
employees.

3.3.5. Counseling Services. School counselors in long-term juvenile
education programs spend at least sixty percent (60%) of their work schedule in a direct
counseling relationship with students, and devote no more than forty percent (40%) of
their work schedule to counseling related administrative activities.

3.3.6 Guidance and Advisement. Students are provided specific guidance
and advisement opportunities in the areas of academic, career, and personal/social
development. Students have an opportunity to review career clusters and to select a
career cluster to explore in grades 9 and 10, and to choose a career major prior to
completion of grade 10.

3.3.7. Student Assessment and Program Planning. Student Assistance
Teams (SAT) use classroom observation, comprehensive assessment, and educational
record reviews for the purpose of addressing academic and behavior performance and
the development of academic and/or behavioral interventions/modifications as
appropriate. SAT facilitates and expedites the development of an Individual Program
and Transition Plan (IPTP) or an Individualized Education Program (IEP), as appropriate, for each student.

3.3.8. Lesson Planning. Teachers prepare lesson plans in advance. Lesson plans are based on approved content standards and objectives. The administrator reviews lesson plans a minimum of once each quarter and provides written feedback.

3.4. Regulatory Agency Reviews. Following facility reviews and inspections by regulatory agencies, findings are reported and deficiencies corrected consistent with interagency agreements.

3.4.1. Facilities are safe, free of hazards and adequate to meet the needs of students and provide an environment conducive to learning.

3.5. Administrative Practices. The organization and school consider data and research, and implement procedures that conform to W. Va. Code and WVBE and OIEP policy to achieve a consistent and efficient operation of education programs.

3.5.1. Legal Basis. There is a legal basis for the organization/school to provide education programs in facilities under the governance of WVBE and the State Superintendent of Schools.

3.5.2. School-Host Agency Collaboration. The school and host agency develop a collaborative partnership that ensures a positive school culture, safe and adequate facility for learning and supports the delivery of a high quality education program.

3.5.3. Codes of Conduct. The organization and school implement, investigate, and monitor the code of conduct for employees. (W.Va. Code §18-2E-5, 126CSR162, WVBE Policy 5902, Employee Code of Conduct, hereinafter Policy 5902 and OIEP Employee Handbook.)

3.5.4. Statewide Assessment. OIEP education programs shall participate in statewide assessment programs.

3.6. Personnel. OIEP shall employ personnel to deliver high quality programs and services that ensure academic success for all students; implement employment hiring and assignment practices that conform with W. Va. Code, WVBE and OIEP policy.

3.6.1. Hiring. OIEP follows hiring practices set forth in the WVBE approved Employee Handbook for Institutional Education Programs.

3.6.2. Licensure. Professional educators and other professional personnel are licensed for their assignments under WVBE policy.
3.6.3. Evaluation. OIEP implements an evaluation policy for professional and service personnel in accordance with OIEP policy.

3.6.4. Orientation and Mentoring. OIEP provides orientation and mentoring for new employees.

3.7. Safe, Drug Free, Violence Free, and Disciplined Schools. OIEP education programs maintain a safe, drug free, violence free, and disciplined learning environment that ensures the physical, social, and emotional well being of students and staff and that respects individual differences.

3.7.1. School Rules, Procedures, and Expectations. School rules, procedures, and expectations are written, clearly communicated, and enforced. (Policy 2510.)

3.7.2. OIEP implements WVBE and OIEP policy and W. Va. Code, governing employee disciplinary procedures; racial, sexual, religious/ethnic harassment and violence; substance abuse; tobacco use; student confidentiality; grading; health and safety of staff and students; security; staff-student relationships; supervision of students; and reporting of child abuse and neglect. (W. Va. Code §18-8-8 and §18A-5-1; Policy 2421; 126CSR51, WVBE Policy 2423, Communicable Disease Control Policy; 126CSR23, WVBE Policy 2422.5, Substance Abuse and Tobacco Control; 126CSR37, WVBE Policy 2515, Uniform Grading, and the OIEP Employee Handbook.)

3.8. Leadership. Effective leadership exists at the central office, school, and classroom levels. Leadership is demonstrated by vision, school culture, instruction, management, environment, community, and professionalism. (126CSR147, WVBE Policy 5500.03, Rules for Required Qualities, Proficiencies and Leadership Skills for Principals.)

3.8.1. Interagency Agreements. Agreements between OIEP and the host agency in each facility clearly specify host agency responsibilities for providing adequate facilities and maintenance.


4.1 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.