

# **WEST VIRGINIA** SECRETARY OF STATE

NATALIE E. TENNANT

# **ADMINISTRATIVE LAW DIVISION**

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WEST VIROUSA SECRETARY OF STATE

FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY

Education

RULE TYPE Legislative Exempt

AMENDMENT TO EXISTING RULE Yes TITLE-SERIES

126-

RULE NAME Definition of Good Cause for Refusal to Receive School Board Training (3235)

074

CITE AUTHORITY 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)

RULE IS LEGISLATIVE EXEMPT

Yes

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)

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

Monday, July 01, 2013

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-074



Rule Id: 8964



Document: 24710

### 126CSR74

### TITLE 126 LEGISLATIVE RULE BOARD OF EDUCATION

# SERIES 74 DEFINITION OF GOOD CAUSE FOR FAILURE TO RECEIVE SCHOOL BOARD TRAINING (3235)

### §126-74-1. General.

- 1.1. Scope. This policy defines good cause for an individual who fails to meet the training requirements of a school board member as prescribed by West Virginia Code and West Virginia Board of Education approved policy and/or procedures.
  - 1.2. Authority. West Virginia Constitution, Article XII, §2 and W. Va. Code §18-2-5 and §18-5-1a.
  - 1.3. Filing Date. April 11, 2013.
  - 1.4. Effective Date. July 1, 2013.
- 1.5. Repeal of Former Rule. This legislative rule amends 126CSR74 West Virginia Board of Education Policy 3235, Definition of Good Cause for Refusal to Receive School Board Training, filed November 18, 1993, and effective December 18, 1993.

#### §126-74-2. Definition.

- 2.1. Rationale. W. Va. Code §18-5-1a requires the West Virginia Board of Education to define good cause for an individual who fails to meet the training requirements of a school board member. Failure to attend and complete the approved course of orientation and training relating to boardsmanship and governance effectiveness without good cause constitutes neglect of duty under W. Va. Code §6-6-7.
- 2.2. Definition. "Good Cause" means any of the following that prevents the member from attending and completing West Virginia Board of Education approved training to meet requirements of W. Va. Code §18-5-1a:
  - 2.2.a. an incapacitating physical or mental condition of the member,
  - 2.2.b. a death in the immediate family of the member,
- 2.2.b.1. For purposes of the policy, the phrase "immediate family" means the member's spouse, children, parents or any other relative who resides in the member's household and is a dependent of the member.
- 2.2.c. an accident or illness in the immediate family of the member which requires the member's presence, or
  - 2.2.d. any other cause which is beyond the control of the member.

### 126CSR74

## $\S 126-74-3$ . Severability.

3.1. 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.