

**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

POLICY NUMBER AND TITLE: Policy 1242
State Board of Education Policy
Making Process

PUBLIC COMMENT PERIOD ENDS: December 11, 2001 **ADOPTED:**

BACKGROUND:

This policy has not been revised since 1989. The West Virginia Code has since been revised necessitating citation changes. Additionally, the West Virginia State Board of Education needs more flexibility in the length of time the policies are placed on comment.

PURPOSE:

This procedural rule modifies what was formerly labeled a Legislative Rule to update the proper West Virginia Code citations, allows flexibility for the length of time policies are placed on public comment, and clarify how the policies are made available to the public.

126CSR3A

FILED

**TITLE 126
LEGISLATIVE PROCEDURAL RULE
WEST VIRGINIA BOARD OF EDUCATION**

2001 OCT 12 P 4: 23

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**SERIES 3A
STATE BOARD OF EDUCATION POLICY MAKING PROCESS (1242)**

§126-3A-1. General.

1.1. Scope. -- This policy establishes the procedure for meeting rule-making requirements imposed by law plus additional requirements for public comment, distribution, and processes adopted as procedure by the state board of education including rules of practice before the board, together with forms and instructions. (West Virginia Code §29A-3A-4 3B-2)

1.2. Authority. -- Art. XII, §32, Constitution of West Virginia; W.Va. Code §§18-2-5a and 29A-3A-1 et seq.

1.3. Filing Date. -- ~~October 19, 1989.~~

1.4. Effective Date. -- ~~November 30, 1989.~~

1.5. Repeal of former rule. This procedural rule repeals and replaces Legislative Rule WV 126CSR3A "State Board of Education Policy Making Process" filed and effective November 30, 1989.

§126-3A-2. Rationale.

2.1. Every rule and regulation (including any amendment of a rule to repeal any other rule) shall be promulgated by the West Virginia Board of Education only in accordance with West Virginia Code §§18-2-5a and 29A-3A-1 et seq. and with this policy.

§126-3A-3. Procedures.

3.1. The state board of education reviews and approves a proposed policy for public comment and review.

3.2. Each proposed policy shall then be placed on public comment and review for a time that ~~spans two consecutive regular state board meetings unless otherwise noted by the state board and shall also be filed in the state register~~ period of time that extends at least thirty (30) days from the date the proposed policy is filed with the Secretary of State in the state register pursuant to West Virginia Code §29A-3A-54(a), and with The proposed rule shall also be filed with the West Virginia Legislative Oversight Commission on Education Accountability pursuant to West Virginia Code §§18-2-5a; and 29A-3B-19 and 29A-3A-2 and 3.

3.3. Proposed policies are to be sent to interested parties, inclusive of county board of education offices and RESA centers, where they shall be made accessible to the public.

3.4. All public comments received on a proposed policy are to be reviewed by the state board and the state department of education prior to the proposed policy's final reading.

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3.5. Regional public hearings on major education policies may be held at the state board's direction in addition to the public comment and review period.

3.6. The state board may suspend the comment and review period in the case of an emergency as per West Virginia Code §29A-3AB-610.

§126-3A-4. Definition.

4.1. Policy as used by the state board of education shall mean a "rule" or "... a regulation, standard statement of policy or interpretation of general application and future effect". (West Virginia Code §18-2-5a)

§126-3A-5. System of Maintenance, Distribution and Publication.

5.1. A comprehensive system shall be adopted by the state board of education to maintain, publish, and distribute all policies an to ensure that all applicable laws, regulations and policies are fully observed.

5.2. An employee of the state department of education shall be named who shall be responsible for the implementation of the system.

~~5.3. A manual of state board of education policies shall be published periodically. Policies shall be made available to the public in paper and/or electronic format.~~

FISCAL NOTE WORKSHEET

(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 1242: State Board of Education Policy Making Process 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		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT 97-98	THEREAFTER
1. ESTIMATED TOTAL COST	\$ - 0 -	\$ - 0 -	\$ - 0 -	\$ - 0 -	\$ - 0 -
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$ - 0 -	\$ - 0 -	\$ - 0 -	\$ - 0 -	\$ - 0 -

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

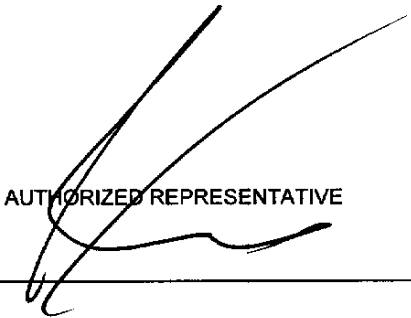
DATE

AGENCY

AUTHORIZED REPRESENTATIVE

October 1, 2001

West Virginia Department of Education



**POLICY 1242: STATE BOARD OF EDUCATION
POLICY MAKING PROCESS**

COMMENT PERIOD ENDS: December 11, 2001

Directions: *Please use this form to provide comments/suggestions regarding revised Policy 1242.*

Individual/Organization: _____

Title: _____ Business: _____

Street Address: _____

City/State/Zip: _____

COMMENTS/SUGGESTIONS
§126-3A-1. General.
§126-3A-2. Rationale.

§126-3A-3. Procedures.

§126-3A-4. Definition.

§126-3A-5. System of Maintenance, Distribution and Publication.

Please Mail the Completed Comment Sheet to:
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