

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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1989 OCT 20 AM 11:07
OFFICE OF 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
Art. XII, §32, Constitution of WV
CITE AUTHORITY: W. Va. Code 18-2-5a and 29A-3A-1 et seq.

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES _____, NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 3A (Policy 1242)

TITLE OF RULE BEING ADOPTED: State Board of Education Policy Making
Process

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS November 30, 1989

Barbara L. Estep
October 19, 1989

HD NO _____ DRAFT NO _____

SUBJECT Policy 1242: State Board of Education FUND _____
Policy Making Process

SOURCE OF REVENUE: GENERAL SPECIAL OTHER (SPECIFY) _____

COST 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 AND ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

| EFFECT OF PROPOSAL | ANNUAL | | FISCAL YEAR | | |
|-----------------------------|----------|----------|-------------|------|------------|
| | INCREASE | DECREASE | CURRENT | NEXT | THEREAFTER |
| 1. ESTIMATED TOTAL COST | \$ | \$ | \$ | \$ | \$ |
| PERSONAL SERVICES | \$ | \$ | \$ | \$ | \$ |
| CURRENT EXPENSE | | | | | |
| REPAIRS AND ALTERATIONS | | | | | |
| EQUIPMENT | | | | | |
| OTHER | | | | | |
| 2. ESTIMATED TOTAL REVENUES | \$ | \$ | \$ | \$ | \$ |

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

IMPACTS: No additional costs will be incurred as a result of changing policy
FISCAL: format processes for approval.

STATE STAFF: _____

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

10/13/89

West Virginia Board of Education

TITLE 126
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION
CHAPTERS 18-2 & 29A-3A
SERIES 3A
POLICY 1242

Title: State Board of Education Policy Making Process

Section 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. (§29A-3A-4)

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 - None.

Section 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.

Section 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 pursuant to W.Va. Code §29A-3A-5(a) and with West Virginia Legislative Oversight Commission on Education Accountability pursuant to §18-2-5a, 29A-3-1 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.

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 W.Va. Code §29A-3A-6.

Section 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." (§18-2-5a)

Section 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 and 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.

WEST VIRGINIA DEPARTMENT OF EDUCATION
IMPACT STATEMENT FOR
STATE BOARD POLICIES

INSTRUCTION:

NONE

LEADERSHIP:

NONE

STAFF DEVELOPMENT:

NONE

ADMINISTRATION:

Consistent procedures will be used in the processing, maintenance and distribution of all future State Board of Education policies.

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