

Policy 1242, West Virginia Board of Education Rulemaking Process

Comment Log

Comment Period: October 14, 2021 – November 15, 2021

Action	
A/S	Comment was accepted and supports the proposed policy
A/C	Comment was accepted and resulted in changes to the proposed policy
N	Comment was not accepted

DATE	COMMENTER	COMMENTS	ACTION	RATIONALE
§126-3A-1 General				
2021-11-15 13:57:33	Debra K. Sullivan Member WV Board of Education Charleston WV	No comments.		
§126-3A-2 Rationale				
2021-11-15 13:57:33	Debra K. Sullivan Member WV Board of Education Charleston WV	No comments regarding the content or wording. However, it is interesting to note that the proposed policy nearly doubles the length of the 2002 policy.		The additions to the policy constitute a more comprehensive explanation of the policy-making process which makes it more valuable to a reader of the policy. The additions increase the length of the policy by slightly over one half of one page.
§126-3A-3 Procedures				
2021-11-15 13:57:33	Debra K. Sullivan Member WV Board of	3.1 in the proposed policy is jarringly out of place. Rather, the	N	Section 3.1 is appropriately placed because it discusses an annual policy forecast. The forecast is made prior to any policy being placed on comment.

<p>Education Charleston WV</p>	<p>first step in Procedures needs to focus on the WVBE's overarching role – namely, “3.1. The WVBE establishes and approves proposed policies for public comment and review.”</p>	<p>N</p>	<p>This additional language is not necessary. The steps the WVBE takes to establish and approve policies is detailed throughout the policy, step by step.</p>
	<p>Since policies are written to be implemented by county boards of education and individuals employed by them, and by employees of the West Virginia Schools for the Deaf and Blind, educational facilities operating under the auspices of the Office of Diversion and Training, and teacher preparation programs, input from these implementers is of paramount importance. Therefore, 3.2 as stated in the proposed policy, dealing with public comment and review, should stay as 3.2 in</p>		

		<p>the logical sequencing of the policy.</p> <p>Since the policy comment cycle is being addressed for proper logic flow, a new 3.3 should include a broad statement regarding the accessibility of and providing opportunities for comments to proposed policies across all entities. This item needs to be adjusted to reflect the reality of what happens under the WVBE's well defined current policy comment cycle.</p> <p>3.3. in the proposed policy should come next (recommended now as 3.4) which cites state code with reference to LOCEA. Proposed 3.3 a, b, and c should be deleted as they are lifted from code. Code citations are sufficient in other WVBE policies and</p>	<p>N</p> <p>N</p>	<p>The sequencing of the policy is appropriate as written. The steps in sections 3.2, 3.3, and 3.4 occur simultaneously. This does not represent a change from the current policy comment cycle.</p> <p>The statutory language was included so that the policy contained a more comprehensive explanation of the rule-making process which makes it more valuable to a reader of the policy. Excluding the LOCEA language could have the appearance that the process is not fully executed or was intentionally excluded. Collaboration with</p>
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this policy is no different. By quoting words from existing code, a policy is “dated.” Instead, by citing code broadly, as is the case in other WVBE policies, when there are changes to a particular code there is no need to reopen a policy simply to address these changes.
(Specifically: 3.3.a. Unnecessary. Code is restated. (5) has been added and ignores the fact that the executive summary of each policy submitted for comment identifies internal and external stakeholders. 3.3.b. Unnecessary. Code is restated with the exception of the addition of two phrases (i.e., addition to end of first sentence [sic] and item (8) which deal with the procedural workings of LOCEA:

N

N

LOCEA is an important aspect of WVBE rule-making, as is the submission of proposed rules to and collaboration with other interested parties. Neither group should be excluded from the policy.

Statutory language is included in many WVBE policies (*See* Policy 3300, Charter Public Schools). It is generally beneficial for the reader of a policy to have all necessary information set forth in one document so that the reader is not forced to search multiple sources for information.

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		<p>These additions add nothing to the implementation of the overall policy or of policy development in general. 3.3.c. Unnecessary. Code is restated.)</p> <p>3.1 in the proposed policy regarding providing an annual forecast of policies to LOCEA should be edited as recommended 3.4.a Policies do not have expiration dates and their revision/repeal/addition depend on so many factors including changes in federal and state laws, arising circumstances in counties or the state, emergency situations, etc. I suggest that the proposed 3.4.a be revised to read: "The WVBE shall provide the Legislative Oversight Commission on Education</p>	N	<p>The additions were included to encourage a full and transparent level of collaboration.</p>
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		<p>Accountability (LOCEA) with an annual forecast of policies it anticipates promulgating or revising." Perhaps providing a 6-month update would be useful.</p> <p>Proposed 3.6 should come next as recommended 3.5. This item ends the comment cycle.</p> <p>Proposed 3.7 (recommended as 3.6) starts the WVBE's adoption cycle and should broadly reflect it. For example, I believe that adopted policies are sent to the House and Senate education committees, finance chairs, etc., in addition to being provided to LOCEA. The Secretary of State's office houses the "official" versions of adopted policies.</p>	<p>N</p> <p>N</p>	<p>The suggested language is not necessary. The word "forecast" was used deliberately. Forecasts are not set in stone, they are predictions or estimates of future events.</p> <p>The language in the proposed policy reflects current statutory requirements.</p>
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		Proposed 3.8 and 3.9 are fine and should be renumbered 3.7 and 3.8.		
§126-3A-4 Severability				
2021-11-15 13:57:33	Debra K. Sullivan Member WV Board of Education Charleston WV	No comments.		