

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

Mar 15 1990

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; CITE AUTHORITY West Virginia Constitution

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

Article XII, Section 2

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 9 (Policy 1500)

TITLE OF RULE BEING PROPOSED: Emergency Powers of the State Superintendent
of Schools

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON April 30, 1990 AT 9:00 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Mr. Basil Legg, Legal Assistant
West Virginia Department of Education
Room B-362, Bldg. #6
Capitol Complex
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Barbara L. Estep

Barbara L. Estep
March 15, 1990

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

TITLE 126
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION
Series 9
Policy 1500

TITLE: Emergency Powers of the State Superintendent of Schools

Section 1. General

- 1.1 Scope - This State Board of Education policy permits the state superintendent to exercise certain emergency powers.
- 1.2 Authority - W.V. Constitution - Article XII, Section 2
- 1.3 Filing Date - March 15, 1990
- 1.4 Effective Date - March 15, 1990
- 1.5 Repeal of Former Rule - None
- 1.6 Related Policy - None

Section 2. Background

The current teacher work stoppage has highlighted the need for the state superintendent to have certain emergency powers in situations where the state board declares an emergency situation to exist.

Section 3. Policy

In any situation in which the West Virginia Board of Education has declared the existence of an emergency situation, the State Superintendent of Schools shall have authority to require that the county superintendents of schools and the county boards of education enforce whatever actions the State Superintendent of Schools deems appropriate.