

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
KEN HECHLER  
**ADMINISTRATIVE LAW DIVISION**

Form #7

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FILED  
1990 MAR 15 PM 4:28  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AN EMERGENCY RULE**

AGENCY: WEST VIRGINIA BOARD OF EDUCATION TITLE NUMBER: 126

CITE AUTHORITY: West Virginia Constitution - Article XII, Section 2

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: Series 9 - Policy 1500

TITLE OF RULE BEING FILED AS AN EMERGENCY: \_\_\_\_\_

EMERGENCY POWERS OF THE STATE SUPERINTENDENT OF SCHOOLS

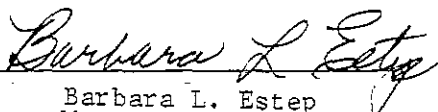
THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE UPON FILING.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

This emergency rule is needed to permit a coordinated and comprehensive response by the State Board of Education and the State Superintendent of Schools to the current teacher work stoppage. It is further designed to permit the State Board of Education and the State Superintendent of Schools to deal with future emergency situations as they may arise.

This policy has no known fiscal impact.

Use Additional Sheets If Necessary.

  
Barbara L. Estep  
March 15, 1990

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

TITLE: Emergency Powers of the State Superintendent of Schools

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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.

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LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EDUCATION  
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WVDE

West Virginia Department of Education

Capitol Complex, Charleston 25305

Henry R. Marockie, State Superintendent of Schools

April 9, 1990

FILED  
1990 APR 19 AM 8:36  
OFFICE OF THE STATE SUPERINTENDENT OF SCHOOLS  
STATE OF WEST VIRGINIA

The Honorable Ken Hechler  
Secretary of State  
State of West Virginia  
157-K State Capitol  
Charleston, West Virginia 25305

Re: SBE EMERGENCY POLICIES  
During teachers' strike

Dear Sir:

The State Board of Education at a specially called meeting on the 29th day of March, 1990, voted to revoke and recall the following emergency policies which were filed with your office on the 15th day of March, 1990:

- |                |            |   |
|----------------|------------|---|
| 1. Policy 1500 | —          | Emergency powers of State Superintendent of Schools |
| 2. Policy 5202 | Amendments | Certification of professional personnel             |
| 3. Policy 2442 | Amendments | Pupil-teacher ratios                                |
| 4. Policy 7400 |            | School volunteers                                   |

Pursuant to that action, I am hereby respectfully requesting that the above-referenced emergency policies be removed from your files and declared null and void.

Thank you for your prompt attention to this matter. If you have any questions or comments about this action, please contact Basil Legg, Director of Legal Services, at 348-3667.

Sincerely,

Henry Marockie  
State Superintendent of Schools

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