

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

Form #7

Do Not Mark In this Box

FILED  
1989 AUG 29 PM 1:30  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AN EMERGENCY RULE**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: 18-20-5

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 16

TITLE OF RULE BEING AMENDED: Regulations for the Education of  
Exceptional Students (2419)

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: \_\_\_\_\_

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

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:

Use Additional Sheets If Necessary.

*David G. ...*  
Asst. Atty. General  
Dept. of Education



STATE OF WEST VIRGINIA  
OFFICE OF THE ATTORNEY GENERAL  
CHARLESTON 25305

CHARLES G. BROWN  
ATTORNEY GENERAL

(304) 348-2021

CONSUMER HOT LINE  
(800) 368-8808

September 7, 1989

Mr. Robert Wilkinson  
Deputy Secretary of State  
State of West Virginia  
157-K State Capitol  
Charleston, West Virginia 25305

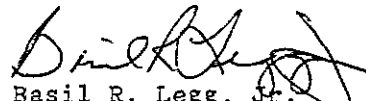
Re: WV BOARD OF EDUCATION POLICY 2419  
Emergency rule

Dear Mr. Wilkinson:

This letter is to follow up on our conversation wherein I requested that Policy 2419 be filed immediately as an emergency rule. The reason for the emergency rule was that the U.S. District Court in the case of Boles v. SDE was prepared to enter an order ratifying the terms of the policy as adopted by the Board in July. In order that there be no doubt as to the ratification of the policy as amended, the State Department and State Board felt that it was necessary that the policy become effective immediately as an emergency rule.

I hope this is the information which you needed in order to complete this matter. Should you require any additional information or have any questions concerning this matter, please call me and I will help in any way that I can.

Sincerely,

  
Basil R. Legg, Jr.  
Assistant Attorney General

2570e:080e/jbt