

Title 126

PROCEDURAL RULE
~~WEST VIRGINIA BOARD OF EDUCATION~~
CHAPTER ~~18-20~~
SERIES ~~2419.11~~ 17

Title: Rules for Requesting an Exception to the Regulations for the Education of Exceptional Students (2419.11)

Section 1. General

1.1 Scope - These procedural rules establish the procedures required to request and obtain exceptions to State Board Policy 2419, "Regulations for the Education of Exceptional Students."

1.2 Authority - W.Va. Code 18-20-5

1.3 Filing Date - December 27, 1983

1.4 Effective Date - February 26, 1984

Section 2. Preface

The accepted principal for appropriate educational opportunity in West Virginia public schools is that special education and related services shall be made available to all exceptional students between five and twenty-three years of age. The provision of these educational services are implemented through the West Virginia Regulations for the Education of Exceptional Students (Policy 2419). The West Virginia Board of Education provides that a local school district superintendent may apply to the Board for exceptions to the regulations for extenuating circumstances.

Section 3. Rules

3.1 Exceptions to the Regulations for the Education of Exceptional Students will be granted based on extenuating circumstances per specific classroom units, not for system-wide factors.

3.2 Under no circumstances will special education regulatory exceptions be granted for requests that conflict with federal statutes, federal regulations, state statutes or court orders/decisions.

3.3 A request for an exception must address the present school year, only.

- 3.4 Documentation must substantiate that granting the specific exception will not preclude the provision of a free appropriate public education for students subject to this action.
- 3.6 A request for an exception can be submitted by the local superintendent only after approval of the request by the local board of education.
- 3.7 A plan of action to correct the need for an exception must be submitted to the Department of Education as part of the request. The plan must stipulate specific corrective actions and timelines. This plan of action will be a part of the county school district's Annual County Plan for Educational Excellence.
- 3.8 Upon approval by the State Superintendent, the exception will become official record for purposes of the county accreditation process.

Section 4. Implementation

- 4.1 The department will develop procedures to implement these rules.
- 4.2 A summary data analysis relative to the regulatory exceptions requested will be reviewed annually by the State Board to determine if the need exist for revisions and/or modifications within the Regulations for the Education of Exceptional Students or these rules.