



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/9/2024 4:03 PM

Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Education TITLE-SERIES: 126-206
RULE TYPE: Legislative Exempt Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: COMPETITIVE GRANT APPLICATION AND AWARD PROCESS (8500)
CITE STATUTORY AUTHORITY: West Virginia Constitution, Article XII, §2, and W. Va. Code §18-2-5 and §18-9A-10.

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

November 9, 2024

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Kelli D Talbott -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 126
PROCEDURAL RULE
BOARD OF EDUCATION

SERIES 206
COMPETITIVE GRANT APPLICATION AND AWARD PROCESS (8500)

§126-206-1. General.

1.1. Scope. -- This procedural rule establishes the process for local education agencies (LEAs) to apply and receive grants managed by the West Virginia Department of Education (WVDE) through a competitive process that are not awarded under another rule or federal or state regulation.

1.2. Authority. -- West Virginia Constitution, Article XII, §2, and W. Va. Code §18-2-5 and §18-9A-10.

1.3. Filing Date. – October 9, 2024.

1.4. Effective Date. – November 9, 2024.

1.5. Repeal of Former Rule. -- None; this is a new rule.

§126-206-2. Grant Applications.

2.1. The WVDE shall notify eligible LEAs of the availability of a grant opportunity a minimum of 30 days prior to the application deadline for the grant.

2.2. The WVDE shall provide a grant application that includes the minimum requirements. The completed application shall be returned to the WVDE in the manner and timeframe prescribed by the WVDE.

2.3. The minimum grant requirements shall include, but are not limited to, the following:

2.3.a. a description of the project that includes the project's purpose, established goals and objectives, identified beneficiaries, and the implementation and completion timeline for the project;

2.3.b. a proposed budget that includes detailed financial information estimating the total cost and related expenses for the project;

2.3.c. an evaluation plan designed to measure the success of the project;

2.3.d. documentation that the LEA's project is consistent with the purpose of the grant and demonstrates a financial need to implement and complete the project; and,

2.3.e. documentation that the LEA has matching funds available, if applicable.

§126-206-3. Grant Application Evaluation and Award Process.

3.1. The State Superintendent of Schools (State Superintendent) shall establish a review committee (the Committee) consisting of five members, one of which shall be the assistant superintendent assigned to oversee the office responsible for awarding the grant who shall be the Chair.

3.2. LEAs submitting grant requests that meet the minimum requirements shall be placed in a pool of eligible applications for further consideration by the Committee.

3.3. The Committee shall evaluate and rank the eligible applications utilizing a rubric.

3.4. All grant awards recommended by the Committee shall be submitted to the State Superintendent for final approval. Provided, the Committee has the authority to recommend a grant award that is less than the amount applied for and/or establish additional grant requirements.

3.5. After approval by the State Superintendent, the Chair, or designee, shall notify the LEAs that they were approved for a grant award.

3.6. The Chair, or their designee, shall notify the LEAs that were not successful in obtaining a grant and, upon request, provide feedback to enhance the LEA's prospect of receiving future grant awards.

§126-206-4. Compliance with Grant Requirements.

4.1. An LEA receiving grant funding shall adhere to all requirements for the award established by the Committee and approved by the State Superintendent.

4.2. All funds distributed under this policy shall be explicitly used for the stated purpose and procured according to W. Va. 126CSR202, Policy 8200, Purchasing Procedures for Local Education Agencies, and all other requirements governing the expenditure of public funds.

4.3. The State Superintendent may issue an extension if the cost or other barriers have made it difficult for the LEA to complete the project within the established timeframe.

4.4. The State Superintendent may issue sanctions for an LEA that fails to comply with grant requirements including, but not limited to:

4.4.a. requiring the LEA to return all, or a portion of, the funding; and/or

4.4.b. prohibiting the LEA from applying for WVDE competitive grants for a set period of time.

§126-206-5. Severability.

5.1. If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.