

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

FILED

1989 JUN 26 AM 10:03

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Procedural; CITE AUTHORITY 18-2-28

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 NEW RULE BEING PROPOSED: 56 (Policy # 7400.191)

TITLE OF RULE BEING PROPOSED: School Advisory Councils

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 August 4, 1989 AT 9:00 a.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Thomas J. Currie, Acting Director
Office of General Education
West Virginia Department of Education
Building #6, Room E-330
Charleston, WV 25305

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

Burman L. Estep

June 23, 1989

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

TITLE 126
PROCEDURAL GUIDELINES
WEST VIRGINIA BOARD OF EDUCATION
Series 56 (7400.191)

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SECRETARY OF STATE

TITLE: School Advisory Councils

Section 1.0 General

- 1.1 Scope - The legislative rule establishes guidelines and procedures for the formation and operation of School Advisory Councils.
- 1.2 Authority -W.Va. Code 18-2-28
- 1.3 Filing Date -
- 1.4 Effective Date -
- 1.5 Repeal of Former Rule - None. This is a new rule.

Section 2.0 Applicability

West Virginia Code 18-2-28 requires that "upon petition to the school principal by at least twenty percent of the school community, or at the discretion of the principal without a petition, a school advisory council shall be established consisting of the principal, who shall serve as the ex officio, nonvoting chairman of the council, three teachers elected by secret ballot by and from teachers employed at the school on the date notice of such election was given, one school service personnel elected by secret ballot by and from school service personnel employed at the school on the date notice of such election was given, three parents of students enrolled at the school elected by secret ballot by and from such parents and two at-large members who reside in the school's attendance area appointed by the principal subject to approval of the elected members of the council." The statute further requires the school principal to arrange for such elections and defines conditions for membership on school advisory councils. Provisions are made in the statute for advisory councils to propose alternatives to the operation of the public school which meet or exceed high quality standards of the state. Also school advisory councils may be considered for receipt of competitive grant awards.

Section 3. Procedures

- 3.0 The following procedures are established for the development and operation of a School Advisory Council.
- 3.1 A school advisory council shall be established upon petition to the school principal by at least twenty percent of the school community, * or at the discretion of the principal without a petition. (*School community shall consist of the classroom teachers as defined in section one, article one, chapter eighteen - a of this code, the service personnel, the parents and administrators of the school taken together.)
- 3.2 Membership of the school advisory council will include: the principal who shall serve as the ex officio, nonvoting chairperson of the council; three teachers elected by secret ballot by and from teachers employed at the school on the date notice of such election was given; one school service personnel elected by secret ballot by and from school service personnel employed at the school on the date notice of such election was given; three parents of students enrolled at the school elected by secret ballot by and from such parents; two at-large members who reside in the school's attendance area appointed by the principal subject to approval of the elected members of the council.
- 3.3 Elections for school advisory council members shall be arranged by the school principal as follows: elections to be held prior to October 31 of each school year, notice of said elections at least one week prior to elections being held, all elections shall be held within the same week.
- 3.4 Replacement of elected School Advisory Council members: may occur only upon death of member, resignation of member, change of employment status of member, failure of member to appear at three consecutive meeting of the council for which reasonable notice was given, discontinuance of the member's child's enrollment at that school for parent members; shall be by election for the purpose of electing another qualified person to serve the unexpired term of the person to be replaced.
- 3.5 Each council member must be given written notice two weeks in advance of any council meeting.

Section 4. Proposing Alternative to the Operation of Public Schools

- 4.0 A school advisory council may propose alternatives to the operation of the public school which will meet or exceed the high quality standards established by the state board.
- 4.1 These alternatives will: increase administrative efficiency, or enhance the delivery of instructional programs, or promote community involvement in the local school system, or improve the educational performance of the school generally.

- 4.2 Other considerations regarding the proposal of alternatives to the operation of the public school are: alternatives may include matters which require the waiver of district board policies or rules other than those relating to due process rights; for an alternative to be proposed, at least five (5) members of the school advisory council must vote in favor thereof.
- 4.3 To propose an alternative: the school advisory council is to forward a copy of the proposal to the school district board; the school district board shall: acknowledge receipt of the proposed alternative; promptly review the proposed alternative; in its discretion, approve the alternative or reply to the advisory council within a reasonable time as to its reasons for not approving the proposed alternative.
- 4.4 To facilitate the work of the school advisory council, any district board policy which exceeds the requirements of a written state board policy shall specify the extent to which the requirements exceed those of the state board.

Section 5. Annual Waiver Requests Report

- 5.0 The state board shall submit an annual report to the legislature by July 1 identifying all policy or rule waiver requests received in the preceding school year and the disposition of each.

Section 6. Schools of Excellence Competitive Grant Awards

- 6.0 School advisory councils shall be considered for school of excellence competitive grant awards (§18-2-69).

Section 7. School Team Jurisdiction

- 7.0 In matters which may fall within the scope of the school advisory councils and the school teams (§18-2-6b), school teams have jurisdiction.

Section 8. Parent Involvement

- 8.0 The state board shall further adopt policies to involve parents in their child's educational process.

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4/10/89

COMMENT LOG
Proposed Implementation of West Virginia State Code §18-2-28:
Series (56) Policy 7400.191
School Advisory Councils; Election

NAME OF INDIVIDUAL/ORGANIZATION _____

ADDRESS _____

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Proposed Implementation of West Virginia State Code §18-2-28:
Policy 7400.191
School Advisory Councils; Election

NAME OF INDIVIDUAL/ORGANIZATION _____

ADDRESS _____

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Other Comments --	

Please submit comments by: June 14, 1989 to:

Thomas J. Currie, Acting Director
Office of General Education
West Virginia Department of Education
Building 6, Room B-330
Charleston, West Virginia 25305

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