

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

Form #5

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AUG 15 AM 10:44  
OFFICE OF THE SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W. Va. Code 18-2-28

RULE TYPE: PROCEDURAL  INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE \_\_\_\_\_  
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_, NO

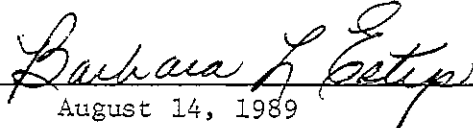
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

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

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 56 (Policy 7400.191)

TITLE OF RULE BEING ADOPTED: School Advisory Councils

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS September 26, 1989

  
August 14, 1989

TITLE 126  
PROCEDURAL RULE  
WEST VIRGINIA BOARD OF EDUCATION

SERIES 56  
SCHOOL ADVISORY COUNCILS

§125-56-1. 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 - August 15, 1989.

1.4. Effective Date - September 26, 1989.

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

§125-56-2. 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.

§125-56-3. 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 1, Article one 1, Chapter eighteen 18a 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 meetings 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.

#### §126-56-4. 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.

4.2. Other considerations regarding the proposal of alternatives to the operation of the public school are: A. alternatives may include matters which require the waiver of district board policies or rules other than those relating to due process rights; B. 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 following procedures apply: A. the school advisory council is to forward a copy of the proposal to the school district board; B. 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 exceed the requirements of a written state board policy shall specify the extent to which the requirements exceed those of the state board.

4.5. Any waiver request submitted after May 1, shall be reported for the following school term.

**§126-56-5. 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.

5.1. The county boards of education shall submit to the state board, all policy or rule waiver requests for the school year prior to May 1.

5.2. Any waiver request submitted after May 1 shall be included in the annual report to the legislature for the ensuing school year.

**§126-56-6. Schools of Excellence Competitive Grant Awards.**

6.0. School advisory councils may be considered for competitive grants for instructional improvement awards (§18-2-69).

**§126-56-7. 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.

**§126-56-8. Parent Involvement.**

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

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Plus all the volunteer  
help we can get!

TO: Barbara Estep  
AGENCY: Bd. of Education  
FROM: JUDY COOPER, DIRECTOR ADMINISTRATIVE LAW DIVISION  
DATE: January 17, 1991

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 56 TITLE School Advisory Councils (7400.191)

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: \_\_\_\_\_  
TITLE OF PERSON SIGNING: \_\_\_\_\_  
DATE: \_\_\_\_\_

FILED  
1991 JAN 30 AM 8:59  
OFFICE OF THE SECRETARY OF STATE  
STATE OF WEST VIRGINIA

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Barbara L Estep  
TITLE OF PERSON SIGNING: Sec to Bd. of Ed.  
DATE: Jan. 29, 1991