

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

FILED
SEP 17 2 31 PM '93
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: Legislative; CITE AUTHORITY WV Const. Art XII, §2
WV Code 18-5-1a

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: 74 (Policy 3235)

TITLE OF RULE BEING PROPOSED: Definition of Good Cause for
Refusal to Receive School Board Training

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 October 20, 1993 AT 5:00 p.m.

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

Dr. Hobart L. Harmon
Exec. Assist. to the Superintendent
WV Dept. of Educ.
Bldg. #6, Room B-364
1900 Kan. Blvd. E.
Charleston, WV 25305-0330

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

Barbara L. Fox
Sept 17, 1993

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

3.20

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HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Definition of Good Cause For Refusal to FUND _____

Receive School Board Training

SOURCE OF REVENUE: GENERAL SPECIAL OTHER (SPECIFY) _____

COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

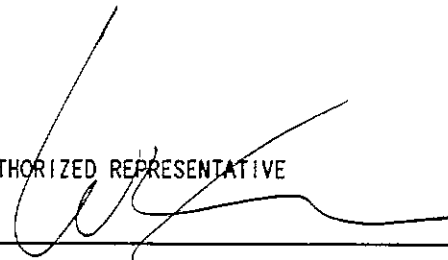
SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$	\$	\$
PERSONAL SERVICES	\$	\$			
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$
3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):					

There is no cost to the agency for this policy to be implemented.

DATE 9/1/93

AGENCY West Virginia Department of Education

AUTHORIZED REPRESENTATIVE 

EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION

FILED

POLICY NUMBER AND TITLE: Policy 3235: Definition of Good Cause For Refusal
to Receive School Board Training

SEP 17 2 31 PM '93
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

PUBLIC COMMENT PERIOD ENDS: October 20, 1993 ADOPTED: _____

BACKGROUND:

West Virginia Code requires all new school board members to complete certain training. Any person who has failed or who refuses to attend and complete the approved course of orientation and training may be removed from a school board position by the West Virginia Board of Education petitioning the Circuit Court of Kanawha County. If the county board member fails to show good cause for not attending the approved course of orientation and training, the court shall remove the member from office.

PURPOSE:

The purpose of this policy is to define "good cause" for any person who fails to complete school board training as required in Chapter 18, Article 5, Section 1a of the West Virginia Code.

CONTENTS:

Definition: Failure by an individual, without good cause, to meet the training requirements of §18-5-1a shall constitute neglect of duty. "Good Cause," which shall excuse such failure, means any of the following that prevents the member from attending and completing West Virginia Board of Education approved training to meet requirements of §18-5-1a:

- (a) an incapacitating physical or mental condition of the member,
- (b) a death in the immediate family of the member,
- (c) an accident or illness in the immediate family of the member which requires the member's presence, or
- (d) any other cause which is beyond the control of the member.

IMPACT:

The impact of this policy is to comply with Chapter 18, Article 5, Section 1a of the West Virginia Code which requires the West Virginia Board of Education to define good cause for a person failing to complete school board training. This policy should enable all new school board members to attend and complete the necessary training and/or understand what constitutes good cause for not completing such required training.

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TITLE 126
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION
POLICY 3235
SERIES 74

TITLE: Definition of Good Cause for Refusal to Receive School Board Training

Section 1.0 General

- 1.1 Scope - This policy defines good cause for an individual who fails to meet the training requirements of a school board member as prescribed by West Virginia Code and West Virginia Board of Education approved policy and/or procedures.
- 1.2 Authority - West Virginia Constitution, Article XII, §2 and Code 18-5-1a.
- 1.3 Filing Date -
- 1.4 Effective Date -
- 1.5 Repeal of Former Rule - None, this is a new policy.

Section 2.0 Definition

2.1 Rationale

Chapter 18, Article 5, Section 1a of the Code requires the West Virginia Board of Education to define good cause for an individual who fails to meet the training requirements of a school board member. Failure by a board member to show good cause for not attending and completing the approved course of orientation and training shall constitute a neglect of duty and shall result in the removal of such board member from office by the Circuit Court upon petition of the Circuit Court by the West Virginia Board of Education.

2.2 Definition

Failure by an individual, without good cause, to meet the training requirements of §18-5-1a shall constitute neglect of duty. "Good Cause," which shall excuse such failure, means any of the following that prevents the member from attending and completing West Virginia Board of Education approved training to meet requirements of §18-5-1a:

- (a) an incapacitating physical or mental condition of the member,
- (b) a death in the immediate family of the member,
- (c) an accident or illness in the immediate family of the member which requires the member's presence, or
- (d) any other cause which is beyond the control of the member.

RESPONSE FORM
DEFINITION OF GOOD CAUSE FOR REFUSAL TO RECEIVE SCHOOL BOARD TRAINING

Directions: Please use this form to comment on proposed policy Definition
of Good Cause for Refusal to Receive School Board Training

Individual/Organization: _____

Address: _____

General Comments:

Comments for Section 1.0

Comments for Section 2.0

Return by October 20, 1993 to:
Dr. Hobart L. Harmon
Executive Assistant to the State Superintendent
West Virginia Department of Education
Capitol Complex, Building 6, Room B-364
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

POLICY 3235

Definition of Good Cause for Refusal to Receive School Board Training

The West Virginia Board of Education believes that persons duly elected to serve on county boards of education and make decisions that best serve students need to participate in training specifically designed for school board members. Failure by any board member, without good cause, to attend and complete such training jeopardizes the collective wisdom of the board in establishing effective policy for the school system. Consequently, the West Virginia Board of Education will exercise its responsibilities under law to petition the Circuit Court to remove any school board member who, without good cause, fails to complete the required training.

Policy Adopted:

WVDE
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