

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Do Not Mark In This Box  
Filing Date

FILED

Nov 18 3 01 PM '93

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Form #3A

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE OVERSIGHT COMMISSION ON  
EDUCATIONAL ACCOUNTABILITY

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: West Virginia Constitution, Article XII, §2 and Code 18-5-1a

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


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

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

IF NO, SERIES NUMBER OF RULE BEING FILED PROPOSED: 74

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

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A  
PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR  
FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE OVERSIGHT COMMISSION  
ON EDUCATIONAL ACCOUNTABILITY FOR THEIR REVIEW.

  
Signature

FILED

MAR 18 3 07 PM '33

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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) \_\_\_\_\_

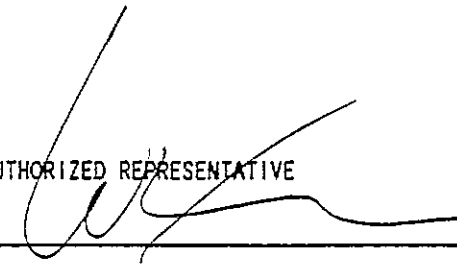
SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

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 

FILED

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

Nov 18 3 01 PM '93

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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 - November 18, 1993
- 1.4 Effective Date - December 18, 1993
- 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.

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For purposes of the policy, the phrase "immediate family" means the member's spouse, children, parents or any other relative who resides in the member's household and is a dependent of the member.

An individual who indicates reason (a) as good cause for not completing the required training shall provide written verification from his or her attending physician regarding the incapacitating physical or mental condition. An individual who indicates reason (c) may be required to provide an affidavit or other supporting evidence regarding the accident or illness affecting the immediate family of the member.

## SUMMARY OF COMMENTS

POLICY 3235:       Definition of Good Cause for Refusal to Receive  
                      School Board Training

Policy 3235 was placed on a public comment period from August 13, 1993 to October 20, 1993. One comment was received. The comment recommended that an individual who indicates an incapacitating physical or mental condition, or an accident or illness in the immediate family of the member which requires the members presence as good cause for not completing the required training be required to have his or her attending physician verify such reason. The policy was revised to reflect the comment.

COMMENTS AND SUGGESTIONS LOG  
 DEFINITION OF GOOD CAUSE FOR REFUSAL TO RECEIVE SCHOOL BOARD TRAINING  
 POLICY 3235  
 OCTOBER 1993

ACTION:  
 N: No Response  
 NA: Not Accepted  
 A: Accepted

TYPE:  
 - Negative  
 + Positive  
 • Neutral

DATE RECEIVED                      INDIVIDUAL/ORGANIZATION                      COMMENTS/SUGGESTIONS                      ACTION/TYPE                      RATIONALE

Section 1.0 - General

Section 2.0 - Definition

October 2, 1993  
 Fayette County  
 Board of Education  
 111 Fayette Avenue  
 Fayetteville, WV

2.2. (a) and (c) should require verification from attending physician.

A



KEN HECHLER  
Secretary of State

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Deputy Secretary of State

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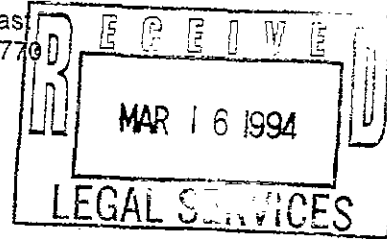
(Plus all the volunteer  
help we can get)

FAX: (304) 558-0900

**STATE OF WEST VIRGINIA**

**SECRETARY OF STATE**

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770



TO: Vic Barone

AGENCY: Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: March 14, 1994

THE ATTACHED RULE 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 THE 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: 74 TITLE: 126 Education

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

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

\*\*\*\*\*

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

SIGNED: Vic A Barone

TITLE OF PERSON SIGNING: Director, Legal Services

DATE: 3-17-94

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.