

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

JUL 11 3 01 PM '99

OFFICE OF WEST VIRGINIA
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. Constitution, Article XII, §2; W.Va. Code §18-2-5

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §§29A-3B-1, et seq.; W.Va. Board of Education
v. Hechler, 180 W.Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES X NO _____

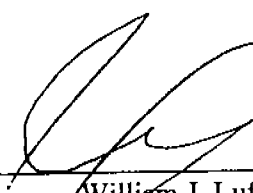
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 95

TITLE OF RULE BEING AMENDED: Availability of List of High School Students to
Armed Forces (4350.1)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS July 11, 1999



William J. Luff, Jr.
Associate State Superintendent

\$4.20

EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION

POLICY NUMBER AND TITLE: Policy 4350.1
Availability of List of High School Students to Armed
Forces

PUBLIC COMMENT PERIOD ENDS: May 21, 1999 **ADOPTED:** June 10, 1999

BACKGROUND:

This policy currently provides that county school systems must develop a policy requiring high school principals to release the names and addresses of graduating seniors to armed services recruiters.

PURPOSE:

The proposed revision changes "graduating seniors" to "students who have completed one semester of their junior year."

1821dav/18a

126CSR95

TITLE 126
INTERPRETIVE RULE
BOARD OF EDUCATION

SERIES 95
AVAILABILITY OF LIST OF HIGH SCHOOL STUDENTS
TO ARMED FORCES (4350.1)

§126-95-1. General.

1.1. Purpose. -- The purpose of this policy is to establish procedures by which Armed Forces recruiters may obtain the names and addresses of high school students.

1.2. Authority. -- W.Va. Constitution, Article XII, §2; W.Va. Code §18-2-5.

1.3. Filing Date. -- June 11, 1999.

1.4. Effective Date. -- July 11, 1999.

§126-95-2. Declaration of Public Policy.

2.1. To promote cooperation with the armed services, each county board of education shall develop a policy requiring high school principals to release the names and addresses of students who have completed one semester of their junior year to armed services recruiters. Such a policy shall be consistent with the Procedures for the Collection, Maintenance and Disclosure of Student Data.

2.2. According to the Procedures, county schools may not disclose personally identifiable information such as class rosters and addresses without prior written parental consent, unless "Directory Information" has been formally established. An educational agency or institution which wishes to designate directory information shall give public notice of the following:

2.2.1. The categories of personally identifiable information which the institution has designated as directory information.

2.2.2. The right of the parent of the student or the eligible student to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to that student as directory information.

126CSR95

2.2.3. The period of time within which the parent of the student or the eligible student must inform the agency or institution in writing that such personally identifiable information is not to be designated as directory information with respect to that student.

2.3. This policy requires that a specific piece of directory information be made available to a specific group. Therefore, in addition to the procedures outlined in 2.2.1-3, above, notice shall be given to parents that the names and addresses of high school juniors will be made available to armed services recruiters. However, parents or eligible students have the right to refuse inclusion in the list for the armed services.

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

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

SUBJECT Policy 4350.1 Availability of List of High School Students to Armed Forces FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF 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 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT 97-98	THEREAFTER
1. ESTIMATED TOTAL COST	\$ - 0 -	\$ - 0 -	\$ - 0 -	\$ - 0 -	\$ - 0 -
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$ - 0 -	\$ - 0 -	\$ - 0 -	\$ - 0 -	\$ - 0 -

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

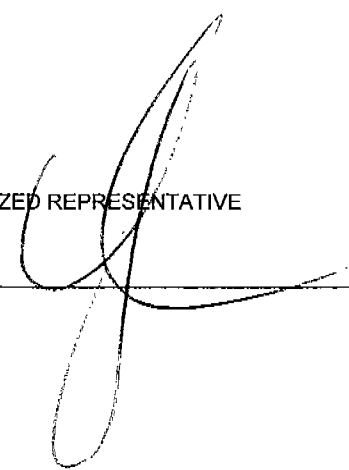
DATE

AGENCY

AUTHORIZED REPRESENTATIVE

March 24, 1999

West Virginia Department of Education



**POLICY 4350.1: Availability of List of High School Students to Armed Forces
COMMENT LOG
April 15 - May 21, 1999**

ACTION TYPE
 N: No Response - Negative
 NA: Not Accepted + Positive
 A: Accepted o Neutral

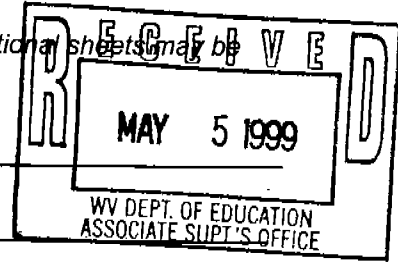
Date	Individual/Organization	Comments	Action/ Type	Rationale
		§126-95-1. General		
5/5/99	Dr. Bonnie Ritz Director of Student Services Ohio County Schools 2203 National Road Wheeling, WV 26003	Provide limited directory information to Armed Services recruiters may provide students with opportunities they had not previously considered. The changes will be easy to implement.		
5/14/99	John Rose Associate Superintendent Jefferson County Schools 110 Mordington Avenue Charles Town, WV 25414	This policy is not necessary. The problem is not that schools are not providing this information. The problem is the armed forces want a county employee to convert the data from WVEIS to their data base. The would be very time consuming - at least eight hours for a school of 1,200 to 1,500.		
5/24/99	Deidra (Dee) George Education Services Spec. US Army Recruiting 21 Mallard Court Beckley, WV 25801	the Interpretive Rule does not accurately reflect our request. The original request was to release names, addresses and phone numbers at the beginning of the school year. Please call me immediately. Thanks		
		§126-95-2. Declaration of Public Policy		
5/10/99	Nora Copeland Supervisor Wayne County Schools P.O. Box 70 Wayne, WV 25570	Current policy releasing names of seniors is adequate for recruitment purposes. The military services are very accessible if any student wishes to make contact earlier. I advocate continuing the current policy.		

Date	Individual/Organization	Comments	Action/ Type	Rationale
5/14/99	John Rose Associate Superintendent Jefferson County Schools 110 Mordington Avenue Charles Town, WV 25414	All counties should have a policy advancing directory of information. Why is this policy necessary.		

1837dav/19a

**POLICY 4350.1: Availability of List of High School Students to armed Forces
Comments/Suggestions**

Directions: Please use this form in commenting on proposed Policy 4350.1. Additional sheets may be attached if needed.



Individual/Organization: Dr. Bonnie Ritz

Position: Director of Student Services

Name of County, School, Business, etc: Ohio County Schools

Street Address: 2203 National Road

City/State/Zip: Wheeling, WV 26003

Comments/Suggestions
126-95-1. General Provide limited directory information to Armed Services recruiters may provide students with opportunities they had not previously considered. The cahnges will be easy to implement.
126-95-2. Declaration of Public Policy

RETURN COMMENTS BY MAY 21, 1999 TO:

*William J. Luff, Jr.
Associate State Superintendent
West Virginia Department of Education
Building 6, Room 360
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330*

*E-mail: wluff@access.k12.wv.us
Fax: (304) 558-0048*

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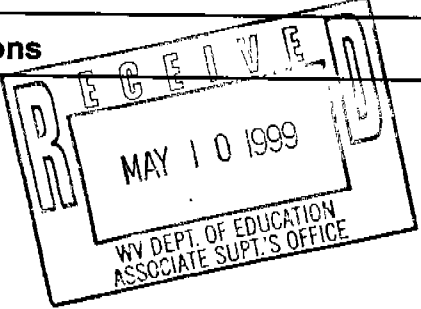
Individual/Organization: Nora Copeland

Position: Supervisor

Name of County, School, Business, etc: Wayne County Schools

Street Address: P.O. Box 70

City/State/Zip: Wayne WV 25570

Comments/Suggestions	
126-95-1. General	
126-95-2. Declaration of Public Policy	Current policy releasing names of seniors is adequate for recruitment purposes. The military services are very accessible if any student wishes to make contact earlier. I advocate continuing the current policy.

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Individual/Organization: John Rose - Jeff Co. Schools

Position: Associate Sup.

Name of County, School, Business, etc: Jeff Co. Schools

Street Address: 110 Mordington Ave

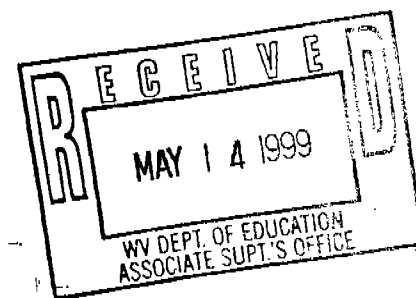
City/State/Zip: Charles Town, WV 25414

Comments/Suggestions
<p>126-95-1. General This policy is not necessary. The problem is not that schools are not providing this information. The problem is the armed forces want a county employee to convert the data from WUEIS to their data base. This would be very time consuming - at least eight hours for a school of 1200 to 1500.</p>
<p>126-95-2. Declaration of Public Policy</p> <p>All counties should have a policy addressing directory of information. Why is this policy necessary.</p>

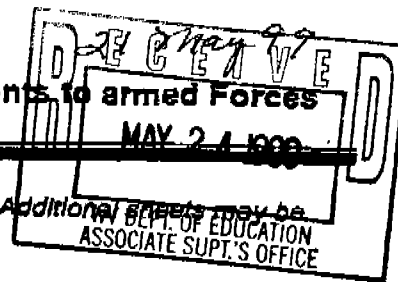
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Comments/Suggestions



Directions: Please use this form in commenting on proposed Policy 4350.1. Additional sheets may be attached if needed.

Individual/Organization: Deidra (Dee) M Gearse

Position: Education Services Specialist

Name of County, School, Business, etc: US Army Recruiting Battalion

Street Address: 21 Mallard Court

City/State/Zip: Beckley WV 25801
304 256-0140

Comments/Suggestions

126-95-1. General The Interpretive Rule does not accurately reflect our request. The original request was to release names, addresses AND phone numbers at the beginning of the school year. Please call me immediately. Thanks

126-95-2. Declaration of Public Policy

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