

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED

1000 JAN 26 AM 8:23

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: Interpretive; CITE AUTHORITY W. Va. Code 18-2-5

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: 98 (Policy 4372) ^(Repeal of Policy 4371)

TITLE OF RULE BEING PROPOSED: Student Rights, Responsibilities, Discipline Handbook

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 March 8, 1990 AT 9:00 a.m.

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

Karen Larry
Coordinator, Adolescent Education
Bureau of General, Special, and
Professional Education
Room B-330, Bldg. #6
Capitol Complex
Charleston, WV 25305

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

Barbara Estep
January 24, 1990

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FISCAL NOTE WORKSHEET

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

SUBJECT Student Rights, Responsibilities, and Discipline Handbook FUND _____

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) NA

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	\$	\$	\$24,375.00*	\$	\$24,375.00**
PERSONAL SERVICES	\$	\$	\$ -0-	\$	\$
CURRENT EXPENSE			-0-		
REPAIRS AND ALTERATIONS			24,375.00		
EQUIPMENT			-0-		
OTHER			-0-		
2. ESTIMATED TOTAL REVENUES	\$	\$	\$24,375.00	\$	\$24,375.00

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

*Assuming that every student in grades K-12 will receive the Handbook, this cost reflects printing one booklet per student once every five years. Each year between revision of the Handbook the local board of education is responsible for printing the Handbook for incoming students.

**The \$24,375.00 plus inflation increases over five years is the cost of printing the Handbook every fifth year.

IMPACTS

FISCAL: \$24,375.00

STATE STAFF: None

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

TITLE 126
INTERPRETIVE RULE
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 18-2
SERIES 98
POLICY 4372

Title: Student Rights, Responsibilities, Discipline Handbook

Section 1. General

1.1 Scope - This policy establishes regulations for developing and distributing the Student Rights, Responsibilities, and Discipline Handbook.

1.2 Authority - W. VA Code 18-2-5

1.3 Filing Date -

1.4 Effective Date -

1.5 Repeal of Former Rule - West Virginia Board of Education § 4371

Section 2. Rationale

2.1 Students need appraised of their rights and responsibilities within the framework of their education programs, and of discipline guidelines in the school setting.

Section 3. Procedures

3.1 The Students Rights, Responsibilities, and Discipline Handbook shall be developed by the State Department of Education with input from school personnel.

3.2 The Handbook will be reviewed and revised as necessary at least every five years for the purpose of keeping it current.

3.3 The State Department of Education will provide copies of the Handbook for appropriate West Virginia students the first year of printing.

3.4 Local boards of education will be responsible for printing and distributing the Handbook thereafter, until the next review/revision process. Upon revision, the state will again provide copies of the new or revised Handbook to local boards for distribution to appropriate students.

WEST VIRGINIA DEPARTMENT OF EDUCATION
PROPOSED IMPROVEMENTS - 1989-90

TITLE:

Student Rights, Responsibilities, and Discipline Handbook

PURPOSE:

The proposed policy and regulations specify requirements for the development of the Student Rights, Responsibilities, and Discipline Handbook and its distribution to West Virginia's students.

BACKGROUND:

The West Virginia Code, §18-5-13, clearly assigns to county boards of education the right to control and manage the schools for all school activities. The code, §18-5-1, states, "the teacher shall stand in the place of the parent or guardian in exercising authority over the school and shall have control of all pupils enrolled in the school from the time they reach the school until they have returned to their respective homes. " The code further states that when transportation is provided, the bus driver shall have control over the students while they are riding the school bus.

The United States Constitution, the West Virginia Constitution and state and federal laws guarantee certain rights to individual citizens, including students. Sometimes individual rights appear to conflict with the rights of groups or society in general. When this happens, a judgment must be made as to whether or not the individual's rights interfere with the right of a group.

The Student Rights, Responsibilities, and Discipline Handbook was first developed in 1976 and has been revised to reflect current rules and regulations. The Handbook, which is included in this policy by reference, helps the student determine his/her rights and responsibilities while attending West Virginia public schools and helps to ensure the orderly and business-like operation of the educational process by providing disciplinary guidelines for schools.

TARGET POPULATION:

Students K-12 will receive this document.

BENEFITS/RESULTS:

Students must be appraised to their rights and responsibilities. This document will provide that information.

CONSEQUENCES IF NOT FUNDED:

The document required by the policy will not be reprinted, consequently students will not receive the information. The possibility of litigation may be increased because students will not receive the necessary information regarding their rights.

STATE FUNDS REQUESTED: \$24,375.00