



**WEST VIRGINIA BOARD OF EDUCATION**

Capitol Building 6, Room 351  
1900 Kanawha Boulevard East  
Charleston, West Virginia 25305-0330

FILED

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WEST VIRGINIA  
SECRETARY OF STATE  
Telephone: 304-558-3600  
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April 19, 2004

The Honorable Joe Manchin, III  
Secretary of State  
State of West Virginia  
Capitol Building 1, Suite 157-K  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Secretary Manchin:

The West Virginia Board of Education, by unanimous vote at its April 15, 2004 meeting, repealed the 21 policies listed in the attached document. Prior to this action, the Board provided the public a thirty day comment period regarding the proposed repeal of said policies. The comment period ended on March 12, 2004 and no comments were received.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "David Stewart".

David Stewart  
State Superintendent of Schools

Attachment

Number	Title	Reason	Staff Contact	Adoption	Filing	Effective
5219.02 126CSR139	Certification of School Nurses	Now contained in WVBE Policy 5202.	Melanie Purkey	5-8-87	6-29-87	8-28-87
5610 126CSR151	Resolution Regarding Minimum Pay Scales and Employment Terms of School Auxiliary and Service Personnel	Policy not required, covered by statute	Joe Panetta	5-9-75	12-23-82	12-23-82
5610A 126CSR152	Resolution Establishing Additional Position Titles and Pay Grades for School Auxiliary and Service Personnel	Policy not required, covered by statute	Joe Panetta	5-9-75	12-23-82	12-23-82
7125 126CSR187	Policy for the Establishment and Operation of Vocational Education Technical Committees	Provisions covered in WVBE Policy 2320.	Stan Hopkins	4-1-87	4-1-87	6-1-87
7400.191 126CSR56	School Advisory Councils	Replaced by Local School Improvement Councils.	John Riddle		8-14-89	9-26-89
8354 126CSR204	Regulation For Charging Specially Funded Projects Unemployment Compensation Benefits by County Boards of Education	No longer required. Accounting procedure in place.	Joe Panetta	NA	12-23-82	12-23-82
8400 126CSR205	Procedure for Investing Proceeds of the State School Building Fund	No longer required.	Joe Panetta		12-23-82	12-23-82

POLICIES REPEALED BY THE WEST VIRGINIA BOARD OF EDUCATION ON APRIL 15, 2004

Number	Title	Reason	Staff Contact	Adoption	Filing	Effective
1100 126CSR5	Guide to Senate Bill 300 Implementation	This policy constituted a work plan for the implementation of SB 300. The requirements are covered in other policies	Stan Hopkins	NEW	12-16-96	7-1-97
1222.1 126CSR1	Joint Policy on Vocational, Technical and Adult Education between the Boards of Education and Regents	Outdated. The agreements addressed by this policy are now covered through the Community/Technical College Council.	Stan Hopkins	11-10-78	12-27-82	2-25-83
2422.10 126CSR19	Inclusion of Safety Education Concepts & Instructional Techniques into School Curricula	Now addressed in the content standards and objectives in other policies.	Stan Hopkins	11-12-74	12-27-82	12-27-82
2443 126CSR49	Four-Year Education Plan	In WVBE Policy 2510 as the two and three-year Transition Plan required for all students. The career clusters and majors are an integral part of the now Five Year Plan.	Dee Braley		1-29-91	3-12-91
2530.10 126CSR45A	Career Exploration Learning Outcomes for the 7th & 8th Grades	Career Exploration outcomes are currently addressed in WVBE Policy 2315.	Stan Hopkins		6-3-91	7-15-91
2540 126CSR46	Criteria of Excellence: Programs for the Education of Exceptional Students	WVBE Policy 2419 now includes these previous requirements as well as all current IDEA requirements.	Dee Braley	10-85	10-30-86	12-30-86

Number	Title	Reason	Staff Contact	Adoption	Filing	Effective
2550 126CSR47	Criteria of Excellence: Educational Support Services	Criteria set forth in this policy are contained in the following policies: WVBE Policies 2315, 2419, 2422.7, 2510, 4110, 4320, 4321.1, and 4336.	Melanie Purkey	10-86	10-30-86	12-30-86
4310A 126CSR84	Curricular and Extra-curricular Activities-West Virginia Schools for the Deaf and the Blind	Outdated. New procedures in place.	Jane McBride	2-9-79	12-27-82	12-27-82
4322 126CSR87	Uniform Health Record Policy	This information is now part of the Student Record collected through WVEIS. This procedure guarantees that the information collected is protected under WVBE Policy 4350.	Melanie Purkey		12-27-82	2-27-83
4333 126CSR88	Education of Children Living More than Two Miles from School or Nearest Bus Route	Covered in WVBE Policies 4334 and 4336	Wayne Clutter		12-23-82	12-23-82
4334A 126CSR90	Rules and Regulations for the Purchase of School Buses	Covered in WVBE Policies 4334 and 4336	Wayne Clutter	12-23-82	12-23-82	12-23-82
4334B 126CSR91	School Bus Inspection Policy Statement	Covered in WVBE Policies 4334 and 4336	Wayne Clutter	12-23-82	12-23-82	12-23-82
4336A 126CSR93	Transportation of School Children Participating in Athletic, Literary and Band Activities	Covered in WVBE Policies 4334 and 4336	Wayne Clutter	82	12-23-82	12-23-82
5140 126CSR132	Regulations for the Preparation at Classroom, General Schools, and Clerical Aides	Covered in WVBE Policy 5500.02	Jack McCleanahan		12-27-82	2-27-83

**TITLE 126  
PROCEDURAL RULE  
WEST VIRGINIA BOARD OF EDUCATION**

**SERIES 56  
SCHOOL ADVISORY COUNCILS (7400.191)**

**§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.

**§125-56-2. Applicability.**

W. Va. 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.**

3.1. The following procedures are established for the development and operation of a School Advisory Council.

3.2. A school advisory council shall be established upon petition to the school principal by at least twenty percent (20%) 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.)

3.3. 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.

3.4. 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.

3.5. 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.

3.6. 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.**

4.1. 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.

4.2. 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.

4.3. 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.

4.4. 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.

4.5 To facilitate the work of the school advisory council, any district board policy which exceeds the requirements of a written state board policy shall specify the extent to which the requirements exceed those of the state board.

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

**§126-56-5. Annual Waiver Requests Report.**

5.1. 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.

5.2. 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.

5.3. 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.**

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

**§126-56-7. School Team Jurisdiction.**

7.1. 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.**

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