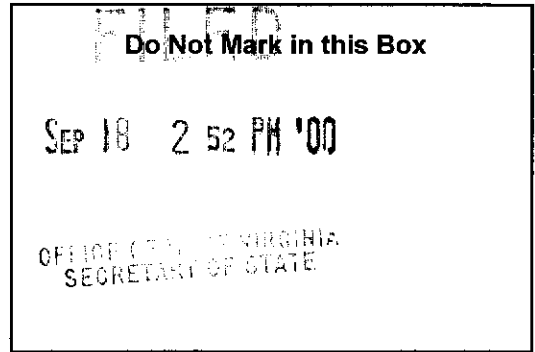


**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2



NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; CITE AUTHORITY: W. Va. Constitution, Article XII, §2, W.Va.

Code §18-2-5 and §18A-2-3

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: 192

TITLE OF RULE BEING PROPOSED: Prospective Employable Professional Personnel
(5103)

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, 2000 AT 4:45 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Dr. Phyllis Durden
Director, Office of Professional Preparation
West Virginia Department of Education
1900 Kanawha Boulevard East, Bldg. 6, Room 252
Charleston, West Virginia 25305-0330

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

William J. Luff, Jr.
Associate State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FILED

TITLE 126

SEP 18 2 55 PM '00

LEGISLATIVE RULE

BOARD OF EDUCATION

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 192

PROSPECTIVE EMPLOYABLE PROFESSIONAL PERSONNEL (5103)

§126-192-1 General

1.1. Scope- This policy develops a process for the hiring of prospective employable professional personnel.

1.2. Authority- W.V. Constitution, Article XII, §2 and W.V. Code § 18A-2-5 and § 18A-2-3.

1.3. Filing Date-

1.4. Effective Date-

1.5. Repeal of former rule- None. This is a new rule.

§126-192-2 Definition

2.1. Prospective employable professional personnel means certified professional educators who: have been recruited on a reserve list of a county board; have been recruited at a job fair or as a result of a contact made at the job fair; not obtained regular employee status through the job posting process provided in W.Va. Code §18A-4-7a; and have earned a baccalaureate degree from an accredited institution of higher education within the past year.

§126-192-3 Hiring Process

3.1. A county is eligible to hire prospective employable professional personnel only if the county's net enrollment during the current year is more than 100 students greater than the fourth year prior to the current year.

3.2. A county on its own may hire prospective employable professional personnel only when the county board has: given the superintendent general approval to

employ the personnel on the reserve list; given general approval as to the form of the contract; and has approved the number to be hired from the reserve list.

3.3. If a county does not meet the eligibility requirements listed in 3.1, the State Board may give the county permission to hire prospective employable personnel through a waiver process. In the waiver letter to the State Board, the county superintendent and the current president of the county board must jointly request the waiver. The waiver letter should list current vacancies in professional positions and set forth the need to recruit teachers in specific subject matter areas. The State Board may not approve waivers for prospective employable personnel more than 25 per county.

§126-192-4 Annual Report

4.1. The State Board must annually provide the Legislative Oversight Commission on Educational Accountability with a report on the number of counties participating in this program, the number of personnel hired, the teaching fields in which they were employed, the place of residency of the personnel hired and the Board's recommendations with respect to the entire program.

FISCAL NOTE WORKSHEET

(Submit 4 Copies)

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

SUBJECT Policy 5103 - Prospective Employable Professional Personnel 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) _____

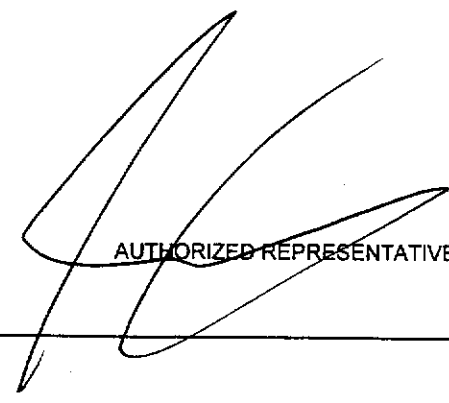
SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

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

No new costs are anticipated.

DATE August 31, 2000

AGENCY Department of Education


 AUTHORIZED REPRESENTATIVE

HIRING OF PROFESSIONAL EMPLOYABLE PROFESSIONAL PERSONNEL
 POLICY 5103
 COMMENT LOG
 ENDING OCTOBER 20, 2000

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

TYPE
 - = Negative
 + = Positive
 0 = Neutral

Date Rec'd.	Individual/Organization	Comment	Action/Type	Rationale
<i>Section 1 General</i>				
<i>Section 2 Definition</i>				
<i>Section 3 Hiring Process</i>				
<i>Section 4 Annual Report</i>				

RETURN COMMENTS BY OCTOBER 20, 2000

DR. PHYLLIS DURDEN, DIRECTOR
WEST VIRGINIA DEPARTMENT OF EDUCATION
CAPITOL COMPLEX, BUILDING 6, ROOM 252
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305

OR E-MAIL SHUDNALL@ACCESS.K12.WV.US