

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #5

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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: 18-9A-5a

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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 NEW RULE BEING ADOPTED: 207 (Policy 8224)

TITLE OF RULE BEING ADOPTED: Six Percent Loss Cap Waiver

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS December 29, 1989

*Barbara L. Estep*

November 17, 1989

TITLE 126  
WEST VIRGINIA BOARD OF EDUCATION  
Legislative Rule  
CHAPTER 18-9A  
SERIES 207  
POLICY 8224

Title: Six Percent Loss Cap Waiver

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Section 1. General

- 1.1 These rules establish regulations and procedures for the six percent loss cap waiver.
- 1.2 Authority - 18-9A-5a
- 1.3 Filing Date - November 17, 1989
- 1.4 Effective Date - December 29, 1989

Section 2. Responsibility

- 2.1 Code §18-9A-5a provides a waiver to county school districts with losses of more than six percent of the number chargeable for the previous school year for professional educator positions or service personnel positions due to the net enrollment limits for school years 1989-90 and 1990-91. The West Virginia Department of Education is responsible for implementing the waiver procedure.

Section 3. Eligibility

- 3.1 Counties must meet the following criteria in order to be eligible for a waiver:
  - 3.2 There must be a loss of more than six percent of the number chargeable for the previous school year for professional educator positions or service personnel positions due to the net enrollment limits.
  - 3.3 The minimum ratio of fifty professional instructional personnel per one thousand students in adjusted enrollment for the school year beginning July 1, 1989, and fifty-one professional instructional personnel per one thousand students in adjusted enrollment for the school year beginning 1990-91 must be established and maintained.

Section 4. Granting of Waivers

- 4.1 Waivers will be determined on a case-by-case basis to the extent funds are appropriated by the Legislature for this purpose. Consideration will be given to the county's staffing pattern. If only partial funding is received, the funds shall be prorated among the eligible counties.

4.2 Any personnel position funded as a result of a waiver shall not be included in the computations for the foundation allowance for professional educators or for service personnel.

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