



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

8/14/2024 3:03:06 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Education TITLE-SERIES: 126-206  
RULE TYPE: Procedural Amendment to Existing Rule: No Repeal of existing rule: No  
RULE NAME: Competitive Grant Application and Award Process  
(8500)  
CITE STATUTORY AUTHORITY: 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); and, W. Va. Bd. of Educ. v. Bd. of  
Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 09/16/2024 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Sonya White, Deputy State Superintendent  
ADDRESS: West Virginia Department of Education, Capitol Bldg. 6, Suite 600  
1900 Kanawha Blvd., E, Charleston, West Virginia 25305  
EMAIL: snjwhite@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Policy 8500 establishes the process for local education agencies (LEAs) to apply and receive grants managed by the West Virginia Department of Education (WVDE) through a competitive process that are not awarded under another rule or federal or state regulation.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Policy 8500 is proposed to ensure compliance with W. Va. Code §18-9A-10 amended by House Bill 5405 (2024 Regular Session).

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There will be no economic impact on revenues of state government as a result of proposed 126CSR206, Policy 8500.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There will be no economic impact on special revenue accounts as a result of proposed 126CSR206, Policy 8500.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

There will be no economic impact on the state or its residents as a result of proposed 126CSR206, Policy 8500.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

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

There will be no economic impact on revenues of state government, special revenue accounts, or the state or its residents as a result of proposed 126CSR206, Policy 8500.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Kelli D Talbott -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



**Policy 8500, Competitive Grant Application and Award Process**  
**List of Stakeholders**

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**West Virginia Department of Education**

**Internal Stakeholders**

- Sonya White, Deputy State Superintendent
- Kelli Talbott, General Counsel, Office of Legal Services
- Uriah Cummings, School Financial Operations Officer, Offices of School Operations

TITLE 126  
PROCEDURAL RULE  
BOARD OF EDUCATION

SERIES 206  
COMPETITIVE GRANT APPLICATION AND AWARD PROCESS (8500)

**§126-206-1. General.**

1.1. Scope. -- This procedural rule establishes the process for local education agencies (LEAs) to apply and receive grants managed by the West Virginia Department of Education (WVDE) through a competitive process that are not awarded under another rule or federal or state regulation.

1.2. Authority. -- West Virginia Constitution, Article XII, §2, and W. Va. Code §18-2-5 and §18-9A-10.

1.3. Filing Date. -- .

1.4. Effective Date. -- .

1.5. Repeal of Former Rule. -- None; this is a new rule.

**§126-206-2. Grant Applications.**

2.1. The WVDE shall notify eligible LEAs of the availability of a grant opportunity a minimum of 30 days prior to the application deadline for the grant.

2.2. The WVDE shall provide a grant application that includes the minimum requirements. The completed application shall be returned to the WVDE in the manner and timeframe prescribed by the WVDE.

2.3. The minimum grant requirements shall include, but are not limited to, the following:

2.3.a. a description of the project that includes the project's purpose, established goals and objectives, identified beneficiaries, and the implementation and completion timeline for the project;

2.3.b. a proposed budget that includes detailed financial information estimating the total cost and related expenses for the project;

2.3.c. an evaluation plan designed to measure the success of the project;

2.3.d. documentation that the LEA's project is consistent with the purpose of the grant and demonstrates a financial need to implement and complete the project; and,

2.3.e. documentation that the LEA has matching funds available, if applicable.

**§126-206-3. Grant Application Evaluation and Award Process.**

3.1. The State Superintendent of Schools (State Superintendent) shall establish a review committee

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(the Committee) consisting of five members, one of which shall be the assistant superintendent assigned to oversee the office responsible for awarding the grant who shall be the Chair.

3.2. LEAs submitting grant requests that meet the minimum requirements shall be placed in a pool of eligible applications for further consideration by the Committee.

3.3. The Committee shall evaluate and rank the eligible applications utilizing a rubric.

3.4. All grant awards recommended by the Committee shall be submitted to the State Superintendent for final approval. Provided, the Committee has the authority to recommend a grant award that is less than the amount applied for and/or establish additional grant requirements.

3.5. After approval by the State Superintendent, the Chair, or designee, shall notify the LEAs that they were approved for a grant award.

3.6. The Chair, or their designee, shall notify the LEAs that were not successful in obtaining a grant and, upon request, provide feedback to enhance the LEA's prospect of receiving future grant awards.

### **§126-206-4. Compliance with Grant Requirements.**

4.1. An LEA receiving grant funding shall adhere to all requirements for the award established by the Committee and approved by the State Superintendent.

4.2. All funds distributed under this policy shall be explicitly used for the stated purpose and procured according to W. Va. 126CSR202, Policy 8200, Purchasing Procedures for Local Education Agencies, and all other requirements governing the expenditure of public funds.

4.3. The State Superintendent may issue an extension if the cost or other barriers have made it difficult for the LEA to complete the project within the established timeframe.

4.4. The State Superintendent may issue sanctions for an LEA that fails to comply with grant requirements including, but not limited to:

4.4.a. requiring the LEA to return all, or a portion of, the funding; and/or

4.4.b. prohibiting the LEA from applying for WVDE competitive grants for a set period of time.

### **§126-206-5. Severability.**

5.1. If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

**W. Va. 126CSR206, Policy 8500, Competitive Grant Application and Award Process  
Comment Response Form**

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**Comment Period Ends: September 16, 2024**

**NOTICE:** *Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.*

The following form is provided to assist those who choose to comment on **Policy 8500, Competitive Grant Application and Award Process**. Additional sheets may be attached, if necessary.

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Title: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Please check the box below that best describes your role.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Superintendent             | <input type="checkbox"/> Higher Educator   | <input type="checkbox"/> Parent/Family    |
| <input type="checkbox"/> Principal                  | <input type="checkbox"/> Teacher           | <input type="checkbox"/> Community Member |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Other            |

COMMENTS/SUGGESTIONS
§126-206-1. General.
§126-206-2. Grant Applications.
§126-206-3. Grant Application Evaluation and Award Process.
§126-206-4. Compliance with Grant Requirements.
§126-206-5. Severability.

Please direct all comments to:

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1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330  
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E-Mail Address: [sjwhite@k12.wv.us](mailto:sjwhite@k12.wv.us)