

**Policy 8300, Safe Schools Funding Process  
Executive Summary**

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**West Virginia Department of Education  
Office of School Facilities**

**Policy Cycle:**     30-day Comment Period                       Adoption of Policy

**Policy Process:**     Revision             Repeal and Replace             New

**Introduction:** This rule establishes the process by which county boards of education, charter public schools, and multicounty vocational centers may submit requests for needs-based funding from the Safe Schools Fund and the criteria by which those requests shall be evaluated. This policy is required by W. Va. Code §18-5-48, Safety and security measures for school facilities; Safe Schools Fund created.

**Background:** New Policy

**Proposed Changes:** New Policy

**Impact:** Subject to availability, this policy defines the procedural process required for the request and distribution of Safe Schools Funds.

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**Action:**

- Release for 30-day public comment.
  - Approve by WVBE with effective date of 30 days from filing.
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**Response to Comments:** Comments were received from the following groups.

Community Member: Three distinct resulting in 14 comments.

Parent/Family: One distinct resulting in three comments.

Superintendent: One distinct resulting in three comments.

Comments received did not result in changes to the proposed policy.

**Policy 8300, Safe Schools Funding Process  
List of Stakeholders**

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**West Virginia Department of Education**

**External Stakeholders**

- Dr. Joetta Basile, Superintendent, Monroe County
- Steven Bieniek, Treasurer, Ohio County
- Justin Boggs, Deputy Superintendent, Cabell County
- Chris Campbell, Treasurer, Putnam County
- David Crumm, Administrator of Operations, Ohio County
- Ben Cummings, Principal, Roane-Jackson Technical Center
- Robert Cunningham, Deputy Cabinet Secretary, WV Department of Homeland Security
- William Hosaflook, Superintendent, Jackson County
- David McClure, Treasurer, Greenbrier County
- Johnathan McPherson, Director Personnel/Transportation/Safety/Facilities, Monroe County
- Dr. Kimberly Miller, Superintendent, Ohio County
- Kari Rice, Director of Operations and Management, Ritchie County
- Brad Smith, Treasurer, Randolph County
- Keith Vititoe, Executive Director Safety and Security, Kanawha County
- Nancy White, Vice President, West Virginia Board of Education

**Internal Stakeholders**

- Jonah Adkins, Director School Safety, Offices of School Operations
- Uriah Cummings, Director, School Finance, Offices of School Operations
- Stacey Losh, Coordinator, Office of School Improvement
- Kelli Talbott, General Counsel, Legal Services
- Micah Whitlow, Director, School Facilities, Offices of School Operations

**126CSR204**

**TITLE 126  
PROCEDURAL RULE  
BOARD OF EDUCATION**

**SERIES 204  
SAFE SCHOOLS FUNDING PROCESS (8300)**

**§126-204-1. General.**

1.1. Scope. -- This procedural rule establishes the process by which county boards of education, charter public schools, and multicounty vocational centers may submit requests for needs-based funding from the Safe Schools Fund and the criteria by which those requests shall be evaluated.

1.2. Authority. -- W. Va. Constitution, Article XII, §2; and W. Va. Code §18-2-5 and §18-5-48.

1.3. Filing Date. -- .

1.4. Effective Date. -- .

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

**§126-204-2. Definitions.**

2.1. Public school district. A collective reference to the county boards of education and charter public schools.

2.2. Safety and security measures. Actions taken by a public school district or multicounty vocational center (MCVC) that improve the security of a school facility and the safety of students within such facility, including, but not limited to, hiring a school resource officer, installing weapon detection systems, and upgrading facility doors or windows.

2.3. Selection committee. Group of members selected according to section 6.1 of this policy, who are responsible for managing the evaluation, selection, and awarding of all available Safe Schools Funds.

**§126-204-3. Annual Safety and Security Assessments and Reports.**

3.1. Each public school district and MCVC shall annually assess the safety and security of each school facility for which they are responsible. Safety and security measures of each facility shall be upgraded when necessary to ensure the safety of the students within each facility.

3.2. Each public school district and MCVC shall report annually to the West Virginia Department of Education (WVDE) the safety and security measures it has implemented.

3.3. Annually, the WVDE shall compile the information received and report it to the Legislative Oversight Commission on Education Accountability and request an appropriation based on the requests of the public school districts and MCVCs.

**§126-204-4. Safe Schools Fund General Requirements.**

## 126CSR204

4.1. When made available, Safe Schools Funds shall be distributed on the basis of need.

4.2. Money distributed from this fund shall not be used to make permanently affixed improvements, alterations, or additions to a physical facility that a public school district or MCVC does not own. If the WVDE distributes any money from the Safe Schools Fund for the purpose of making safety improvements on or in a facility that is not owned, the improvements shall be accomplished in such a manner that they may be removed with minimal effort.

4.3. The WVDE shall allocate available Safe Schools Funds based on the following order of priority:

4.3.a. installing video and audio recording devices in certain special education classrooms, as defined by W. Va. Code §18-20-11;

4.3.b. constructing safe school entryways as defined by W. Va. Code §18-5-48;

4.3.c. on the determination of need, other safety and security needs of the public school districts and MCVCs.

4.4. Safe Schools Funds proposed to improve physical facilities shall only be used to upgrade the safety and security of an existing facility and not to supplement the funding for constructing a new facility.

### **§126-204-5. Submission and Evaluation Process for Safe Schools Fund Needs-based Funding.**

5.1. Subject to the availability of Safe Schools Funds, the WVDE shall notify and provide the public school districts and MCVCs with an application to apply for funding. The completed applications shall be returned to the WVDE in the manner and timeframe prescribed by the WVDE.

5.2. The funding request application from the public school districts and MCVCs shall be submitted to the WVDE and include the following minimum content for consideration:

5.2.a. contain detailed plans illustrating or explaining how the project will improve the safety and security of students and staff;

5.2.b. be included in the submitting public school district or MCVC's most recent Safety and Security Survey response, as surveyed and collected by the WVDE and required by W. Va. Code §18-5-48. When a request is not identified in the required Safety and Security Survey, the selection committee may consider a written statement from the public school district or MCVC as a substitute for the survey requirement. The written statement shall describe why the proposed project was not included in the required survey and the time significance of including the proposed project;

5.2.c. contain a cost estimate that fully details the project's proposed costs, if it is a one-time or reoccurring cost, and the amount of funds, if any, the public school district or MCVC proposes to contribute to the project;

5.2.d. if related to physical facility upgrades, provide a copy or access to the approved Comprehensive Educational Facilities Plan (CEFP) of the county board of education or MCVC, as defined by W. Va. 126CSR172, Policy 6200, Handbook on Planning School Facilities (Policy 6200), or a charter public school's organizational application or similar planning documents;

## 126CSR204

5.2.e. contain a summary of the public school districts' and MCVCs' efforts to maintain and improve the safety and security of students and staff at the facilities under the applicant's control; and

5.2.f. other information the selection committee deems significantly relevant.

5.3. When a public school district or MCVC proposes a project involving physical facility improvements, separate applications shall be submitted and considered for each physical school location.

### **§126-204-6. Selection Process for Safe Schools Fund Needs-based Funding.**

6.1. Public school districts and MCVCs whose requests meet the content requirements of section 5.2, shall be placed in a pool of eligible applications for further consideration by a selection committee. The State Superintendent of Schools shall determine the number of members on the selection committee and appoint members to the committee.

6.2. Subject to the availability of funds, the selection committee shall evaluate and rank the eligible applications for the awarding of Safe Schools Funds based on the following criteria in order of prioritization and value:

6.2.a. the ordered priorities defined in section 4.3;

6.2.b. the demonstrated ability of the public school districts or MCVCs to fund the project and complete it in a timeframe that meets the requirements of this policy;

6.2.c. the alignment of the project with the public school district and MCVCs' long-term facility, safety, and security plans;

6.2.d. demonstrated efforts by the public school districts and MCVCs to maintain facilities and improve the safety and security of students and staff at the proposed project facility and other facilities under the applicant's control; and

6.2.e. other criteria the selection committee deems significantly relevant.

### **§126-204-7. Award Process and Requirements for Selected Projects.**

7.1. Subject to the availability of funds, the ranked submissions shall be funded, starting with the highest-ranking submission and proceeding to the lower-ranking submission until funds are extinguished for the respective fiscal year and no more submissions can be fully funded.

7.2. All submissions must be explicitly used for the stated purpose and procured according to W. Va. 126CSR202, Policy 8200, Purchasing Procedures for Local Educational Agencies, and all other requirements governing the expenditure of public funds.

7.3. When the WVDE identifies funding as being used for purposes outside the scope of an approved submission or not according to proper procurement methods, funding for that submission shall be unallocated, and all expended and unexpended funds shall be returned to the Safe Schools Fund and made available for future allocation and distribution according to the processes defined in this policy.

## 126CSR204

7.4. Funds for approved submissions may be distributed either as a lump sum or on a reimbursement basis, as determined by the selection committee and in the best interest of ensuring the prudent and responsible use of resources.

7.5. The selection committee shall determine the distribution of unused, returned, or unallocated funds. It is within the selection committee's discretion to award returned or unallocated funds to currently eligible and prioritized submissions or to hold the funds for distribution in subsequent fiscal years.

7.6. To encourage planning and prompt action, public school districts and MCVCs forfeit any funds that fail to be expended within two fiscal years of disbursement, unless the committee provides an extension under the following guidelines for extensions and forfeitures:

7.6.a. upon formal request from the public school districts or MCVCs, the committee may authorize an extension beyond the provided two fiscal years for a period not to exceed an additional fiscal year; and

7.6.b. any forfeited funds shall be returned to Safe Schools Fund and made available for future allocation and distribution according to the processes defined in this policy.

7.7. When a submission's cost exceeds awarded funds, the public school district or MCVC is responsible for the required additional funding. No supplemental funding will be provided for submissions over budget.

7.8. If costs or other barriers make completion of an awarded submission impossible or delayed beyond the extension allowability defined in this policy, all expended and unexpended project funds shall be unallocated and returned to the Safe Schools Fund for use on other eligible submissions.

7.9. All physical facility modifications shall meet the requirements of Policy 6200, current state building codes, and the West Virginia State Fire Marshal's requirements.

7.10. If the proposed submission is a facility improvement, it shall be contained in the approved CEFP of the county board of education or MCVC, as defined by Policy 6200, or a charter public school's organizational application or similar planning documents. When a request is not identified in the applying entity's applicable facility plans, the selection committee may consider the applicant's written statement providing their intent to complete the necessary facility plan amendments if their project is selected.

### **§126-204-8. Severability.**

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

**Rule Title: W. Va. 126CSR204, Policy 8300, Safe Schools Funding Process**

**FISCAL NOTE FOR PROPOSED RULES**

Type of Rule:             Legislative                                     Interpretive                                    x Procedural

Agency: West Virginia Department of Education

Address: Micah Whitlow, Director, Office of School Facilities

Capitol Building 6, Room 650

1900 Kanawha Boulevard, East

Charleston, WV 25305

Telephone Number: 304.558.2969

Email: [micah.whitlow@k12.wv.us](mailto:micah.whitlow@k12.wv.us)

**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 W. Va. 126CSR204, Policy 8300.

**B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:**

There will be no economic impact on special revenue accounts as a result of proposed W. Va. 126CSR204, Policy 8300.

**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 W. Va. 126CSR204, Policy 8300.

**D. FISCAL NOTE DETAIL:**

Effect of Proposal	Fiscal Year		
	Current Increase / Decrease (use “-“)	Next Increase / Decrease (use “-“)	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	\$0.00	\$0.00	\$0.00
Personal Services	\$0.00	\$0.00	\$0.00
Current Expenses	\$0.00	\$0.00	\$0.00
Repairs & Alterations	\$0.00	\$0.00	\$0.00
Assets	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00
2. Estimated Total Revenues	\$0.00	\$0.00	\$0.00

**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 W. Va. 126CSR204, Policy 8300.

Signature of Agency Head or Authorized Representative

Date

**W. Va. 126CSR204, Policy 8300, Safe Schools Funding Process  
Comment Log**

**Comment Period: April 10, 2024 – May 13, 2024**

**Action**

A/S Comment was accepted and supports the proposed policy.

A/C Comment was accepted and resulted in changes to the proposed policy.

N Comment was not accepted.

Date	Commenter	Comments	Action	Rationale
<b>§126-204-1. General.</b>				
2024-5-12	Jim McJunkin, MD WV Chapter of American Academy of Pediatrics Injury Prevention Committee Chair of Above Organization Charleston WV Community Member	<p>I am a Community member and retired critical care pediatrician who is deeply concerned about increasing efforts to put armed personnel in our schools.</p> <p>I believe the best use of a Safe Schools Fund would be on preventative measures (mentioned in the next three sections), and not on what I would call “reactive measures” such as armed personnel.</p> <p>The fact that the Safe Schools Funding policy currently exists as an unfunded mandate will not only detract from efforts to properly support prevention and early detection of threats, but could inadvertently encourage underfunded, risk-laden approaches involving guns in our schools, including even arming teachers.</p> <p>Therefore the legislature should ensure that the Safe Schools Fund is sufficiently funded in an ongoing way by putting it into the State Budget as a line item.</p>	N	This policy only defines the required funding process should funds be appropriated and not the specifics of the allowable expenditures provided in the state code or the amount of regular funding provided.



**W. Va. 126CSR204, Policy 8300, Safe Schools Funding Process  
Comment Log**

		In this way, resource allocation will be driven less by availability concerns, and more by the highest quality approaches to ensure our children’s’ safety.		
2024-4-29	Sarah Gottlieb Retired School Nurse Charleston WV Parent/Family	Suggest that Safe School Fund should be managed as an ongoing fund so our children’s safety needs can continue to be addressed.	N	This policy only defines the required funding process should funds be appropriated and not the specifics of the allowable expenditures provided in the state code or the amount of regular funding provided.
2024-04-29	Ann Bradley Charleston, WV Community Member	<p>I support the awarding of funds consistent with the provisions of W. Va. Code §18-5-8 and the priorities it sets forth. I assume the funding for special education classroom videos has been completed. The second priority identified in the statute is securing entryways in schools. W.Va. Code §18-5-8(c) expressly states: “After all public school facilities have been provided sufficient funds to meet the special education video camera requirements, the funds shall be distributed . . . to meet the needs of school facilities to have safe school entry ways. After safe school entry way needs have been met the West Virginia Department of Education shall distribute funds based on a determination of need.”</p> <p>Clearly, funding decisions must give the “safe entry ways” option priority to be in compliance with State Code. Furthermore, it is a low cost option and can be effective if used diligently with regular monitoring to keep persons who present a danger to our students and staff out of school buildings during school days. Also, presumably it would be a one-time expense with subsequent costs relating only to maintenance and upkeep. This option is in</p>	A/S	

**W. Va. 126CSR204, Policy 8300, Safe Schools Funding Process  
Comment Log**

		contrast to other measures, such as hiring school resource officers, which must be refunded each year.		
<b>§126-204-2. Definitions.</b>				
2024-5-12	Jim McJunkin, MD WV Chapter of American Academy of Pediatrics Injury Prevention Committee Chair of Above Organization Charleston WV Community Member	Safe School Entryways are not well- defined. I don't claim to be an expert on this but it seems that certain features need inclusion in the definition so that schools will be uniformly and optimally outfitted for best protection of students. I believe Mr. Vititoe would be a resource for updating the definition of school entry ways.	N	This policy only defines the funding process and not the specifics of the allowable expenditures. Safe School Entryways are currently defined by the School Building Authority's §164-1-1 - Policy and Procedures Handbook. Plans submitted by an applicant will be reviewed according to this standard and with input from applicable law enforcement agencies.
2024-04-29	Ann Bradley Charleston, WV Community Member	the definition of "Public School District" is not appropriate as the term is used elsewhere in the proposed rule. A "district" normally refers to a geographic area but in this proposed definition it refers not to a geographic area, but rather to (1) "county boards of education" (i.e., the governing entity for education within a county) and (2) "charter public schools" – and not the supervising board of such charter schools. It is suggested that a different term be used, such as "School Board" and that it be defined as "the appropriate county board of education, public charter school governing board, or administrative council of a multicounty vocational center."	N	The term "Public School District" was selected in coordination with the West Virginia Department of Education – Office of Legal Services to define the diverse organizations it represents and to align with language in other policies.
<b>§126-204-3. Annual Safety and Security Assessments and Reports.</b>				
2024-5-12	Jim McJunkin, MD WV Chapter of American Academy of Pediatrics Injury Prevention Committee Chair of	For the items included, the statewide summary is helpful (for example nearly 300 out of about 700 schools statewide need to have school entry ways addressed ) However other important preventative measures	N	This policy only defines the required funding process should funds be appropriated and not the specifics of the allowable expenditures provided in the

**W. Va. 126CSR204, Policy 8300, Safe Schools Funding Process  
Comment Log**

	Above Organization Charleston WV Community Member	should be assessed as well such as needs for school counselors and nurses, etc, and presence of threat assessment teams, and efforts to promote suspicious activity reporting (eg, anonymously), and efforts to promote safe storage of firearms in the home.		state code or the amount of regular funding provided.
2024-4-26	Christine Zinn Retired Nurse Charleston WV Community Member	Threat assessment must be ongoing in addition to the annual review.	N	This policy only defines the funding process and not the specifics of the review. School districts and local law enforcement manage the regularity of threat assessments and those do occur more frequently than annually.
<b>§126-204-4. Safe Schools Fund General Requirements.</b>				
2024-5-12	Jim McJunkin, MD WV Chapter of American Academy of Pediatrics Injury Prevention Committee Chair of Above Organization Charleston WV Community Member	Agree that safe school entryway needs be met (after special education video cameras) before distribution of funds for other priorities. Securing school entryways once accomplished would not involve much in the way of ongoing expenditures each year and yet provides an improved layer of protection to every student within a school. Thus for the money spent this is a cost-effective approach. Other preventative approaches should be considered as priorities for funding as well such as school counselors/nurses, and threat assessment teams. Also efforts to support promotion of suspicious activity reporting and safe storage of firearms in the home would be worthwhile and require little investment. As Mr. Vittoe said in the Charleston Gazette in January 2023: “We spend a tremendous amount of money on physical security items for the schools, but we’re still going to get the most effect out of our	N	This policy only defines the required funding process should funds be appropriated and not the specifics of the allowable expenditures provided in the state code or the amount of regular funding provided.

**W. Va. 126CSR204, Policy 8300, Safe Schools Funding Process  
Comment Log**

		suspicious-activity reporting, our behavior threat assessment, and safety storing our guns at home. Those three things together help us prevent a tragedy.”		
2024-4-29	Sarah Gottlieb Retired School Nurse Charleston WV Parent/Family	When requesting funds, the amount of funds expected to be made available needs to be known.	N	Potential applicants will be informed when funds are available through the application process. This information is also publicly available as part of the approved State Budget.
2024-4-26	Christine Zinn Retired Nurse Charleston WV Community Member	I fully support prioritizing the construction of safe entryways in all schools and think this should be implemented in all schools. This should include weapon-detection systems for schools that don't have them.	N	The listed items and their priority are defined by the applicable state code, but the selection committee may also consider other safety and security needs in the application process.
2024-4-26	Christine Zinn Retired Nurse Charleston WV Community Member	Preventative safety measures should be implemented and prioritized, such as better availability of mental health support in schools with psychologists or counselors. Every school should have a threat assessment team and reports from students about potential threats must be investigated promptly.	N	This policy only defines the funding process and not the specifics of the allowable expenditures provided in the state code or what other needs are present.
2024-05-13	Richard Duncan Superintendent Roane County Schools Reedy WV	4.3 - This funding should not be prioritized for "safe schools entrances" when the School Building Authority already provides funding for this and other facility improvements. Instead, funding should be prioritized for elements that are not otherwise funded, such as security systems, exterior campus improvements (fencing, etc.), cameras in places not designated self-contained special education classrooms, etc.	N	This policy only defines the required funding process should funds be appropriated and not the specifics of the allowable expenditures provided in the state code or the amount of regular funding provided.
<b>§126-204-5. Submission and Evaluation Process for Safe Schools Fund Needs-based Funding.</b>				
2024-5-12	Jim McJunkin, MD WV Chapter of American Academy of Pediatrics	Those applying for funds should be informed as to the amount of funds available. The balance of the fund and sources for the fund and the amount	N	Potential applicants will be informed when funds are available through the application process. This information is

**W. Va. 126CSR204, Policy 8300, Safe Schools Funding Process  
Comment Log**

	Injury Prevention Committee Chair of Above Organization Charleston WV Community Member	available from each source should be available to the general public.		also publicly available as part of the approved State Budget.
2024-04-29	Ann Bradley Charleston, WV Community Member	the proposed rule references the “Safe School Fund” and states that funds will be distributed “subject to availability.” What is the current balance in the Safe School Fund? It seems reasonable that applicants for funds should be given information on the amount of funds available in a given year and this information should also be made available to the general public. If other sources of funds are to be used to provide requested safety and security measures, the sources and amounts should also be publicly disclosed.	N	Potential applicants will be informed when funds are available through the application process. This information is also publicly available as part of the approved State Budget.
2024-05-13	Richard Duncan Superintendent Roane County Schools Reedy WV	5.2.d - Facility improvements that would otherwise be eligible for funding from the School Building Authority should not be considered for funding here or otherwise the funds should be directed to the SBA for distribution.	N	This policy only defines the required funding process should funds be appropriated and not the specifics of the allowable expenditures provided in the state code or the amount of regular funding provided.
<b>§126-204-6. Selection Process for Safe Schools Fund Needs-based Funding.</b>				
2024-5-12	Jim McJunkin, MD WV Chapter of American Academy of Pediatrics Injury Prevention Committee Chair of Above Organization Charleston WV Community Member	The selection committee should include parents and citizens at large. Cost-effectiveness should be considered with high priority given to projects serving a large number of students per dollar (or other standard amount) spent.	N	The committee will be comprised of members best suited to evaluate the applications, and this could include parents and citizens at large. No members are currently identified. The selection committee may consider this data when determining other significantly relevant criteria.

**W. Va. 126CSR204, Policy 8300, Safe Schools Funding Process  
Comment Log**

2024-4-29	Sarah Gottlieb Retired School Nurse Charleston WV Parent/Family	Please have community members/parents on the selection committee in addition to the planned members.	N	The committee will be comprised of members best suited to evaluate the applications, and this could include parents and citizens at large. No members are currently identified.
2024-04-29	Ann Bradley Charleston, WV Community Member	The names of members of the selection committee should be made public and the members should include parents of current students and citizens at large, and not just WVDOE staff, with the understanding that any members of the committee would be prohibited from voting on any request in which they would have a direct interest.	N	The committee will be comprised of members best suited to evaluate the applications, and this could include parents and citizens at large. No members are currently identified.
2024-04-29	Ann Bradley Charleston, WV Community Member	a criterion should be added which requires consideration of previous applications for funds by the requester and, if granted, whether the funds were appropriately spent.	N	The selection committee may consider this data when determining other significantly relevant criteria.
<b>§126-204-7. Award Process and Requirements for Selected Projects.</b>				
2024-05-13	Richard Duncan Superintendent Roane County Schools Reedy WV	7.9 / 7.10 - Facility improvements that would otherwise be eligible for funding from the School Building Authority should not be considered for funding here or otherwise the funds should be directed to the SBA for distribution.	N	This policy only defines the required funding process should funds be appropriated and not the specifics of the allowable expenditures provided in the state code or the amount of regular funding provided.
<b>§126-204-8. Severability.</b>				