

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 74
DEFINITION OF GOOD CAUSE FOR REFUSAL
TO RECEIVE SCHOOL BOARD TRAINING (3235)**

§126-74-1. General.

1.1. Scope. -- This policy defines good cause for an individual who fails to meet the training requirements of a school board member as prescribed by West Virginia Code and West Virginia Board of Education approved policy and/or procedures.

1.2. Authority. -- West Virginia Constitution, Article XII, §2 and W. Va. Code §18-5-1a.

1.3. Filing Date. -- November 18, 1993.

1.4. Effective Date. -- December 18, 1993.

§126-74-2. Definition.

2.1. Rationale. -- W. Va. Code §18-5-1a requires the West Virginia Board of Education to define good cause for an individual who fails to meet the training requirements of a school board member. Failure by a board member to show good cause for not attending and completing the approved course of orientation and training shall constitute a neglect of duty and shall result in the removal of such board member from office by the Circuit Court upon petition of the Circuit Court by the West Virginia Board of Education.

2.2. Definition. -- Failure by an individual, without good cause, to meet the training requirements of W. Va. Code §18-5-1a shall constitute neglect of duty. "Good Cause," which shall excuse such failure, means any of the following that prevents the member from attending and completing West Virginia Board of Education approved training to meet requirements of W. Va. Code §18-5-1a:

- a. an incapacitating physical or mental condition of the member,
- b. a death in the immediate family of the member,
- c. an accident or illness in the immediate family of the member which requires the member's presence, or
- d. any other cause which is beyond the control of the member.

For purposes of the policy, the phrase "immediate family" means the member's spouse, children, parents or any other relative who resides in the member's household and is a dependent of the member.

An individual who indicates reason 2.2.a as good cause for not completing the required training shall provide written verification from his or her attending physician regarding the incapacitating physical or mental condition. An individual who indicates reason 2.2.c may be required to provide an affidavit or other supporting evidence regarding the accident or illness affecting the immediate family of the member.