

R 1-13-7 Local Government Flexibility (State Policy Waiver Process)

The Preston County Board of Education may seek a waiver of any state policy or rule it believes is preventing it from carrying out its duties in the most efficient, effective, and timely manner. The Superintendent, with the approval of the Board, may file an application for a waiver with the Secretary of Commerce.

The application shall, at a minimum, provide the official citation of the policy, rule or regulation for which waiver is sought. If there is no official citation, a copy of the policy or letter from which a waiver is sought shall be attached to the application. The Superintendent shall describe in sufficient detail the problem created by the policy, rule or regulation for which waiver is sought and describe in sufficient detail how the waiver will allow the Board to carry out its duties in the most cost efficient, effective and timely manner.

The Secretary of Commerce has no authority to grant waivers, but s/he will review all waiver requests and make recommendations to the Governor who must work cooperatively with the leadership in the House of Delegates and the Senate in addressing changes which need to be made to existing laws.
(WVC §7-23-3)