WEST VIRGINIA CODE: §18-20-6

§18-20-6. Advisory council for the education of exceptional children.

In accordance with the Individuals with Disabilities Education Act, there shall be an advisory council for the education of students with exceptionalities which shall advise and consult with the state Board of Education on matters pertinent thereto. The advisory council shall be composed of twelve members appointed by the state superintendent of schools, four of which shall be parents of students with exceptionalities utilizing or eligible for the services of the special educational programs established hereunder. Other members of the advisory council shall include at least one individual with a disability, teacher of students with exceptionalities, state education official, local education official, and an administrator of programs for students with exceptionalities. No more than two officers and employees of the state may be eligible for appointment to the advisory council. Members shall be appointed for terms of three years except for initial terms which may be for one, two or three years. Each year the terms of office of one third of the advisory council shall expire. The members of the advisory council shall be citizens and residents of this state, who by reason of their training, education or experience are qualified to carry out the functions of the advisory council under this article.

The advisory council shall elect a chairperson annually.

All members shall be eligible for reappointment. A member shall, unless sooner removed, continue to serve until the member’s term expires and the member’s successor has been appointed and has qualified. A vacancy caused by the death, resignation or removal of a member prior to the expiration of the member's term shall be filled only for the remainder of such term.

For the purpose of carrying out its functions under this article, six members of the advisory council shall constitute a quorum. The advisory council shall meet at least four times each year and at a time designated by the chairperson. Additional meetings may be held when called by the chairperson or when requested by six members of the advisory council.

The time and place of all meetings and agenda items must be publicly announced and available to the public upon request at least ten days prior to the meeting, and meetings must be open to the public. Official minutes must be kept of all council meetings and shall be made available to the public upon request.

Members of the council shall not receive any compensation for their services on the council, but shall be reimbursed any actual expenses incurred by them in carrying out their duties from funds appropriated to the Department of Education.

The council shall:

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(a) Consult with the state Board of Education concerning and comment publicly upon any rules and regulations formulated by such board regarding the education of students with exceptionalities;

(b) Consult with and advise the state board and superintendent and the Legislature concerning any problems presented to the council including unmet needs within the state in the education of students with exceptionalities;

(c) Hold public meetings at such times and places as the advisory council deems appropriate;

(d) Periodically review and comment publicly upon the state plan for special programs and make any recommendations it may have concerning changes it may deem proper. Annually, the advisory council shall submit an annual report of its activities and suggestions to the state Board of Education and the superintendent, and shall make such report available to the public.

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