

1 **H. B. 2501**

2
3 (By Delegates M. Poling, Paxton and Duke)

4 [Introduced January 14, 2011; referred to the
5 Committee on Education then Finance.]

6 **FISCAL**
7 **NOTE**

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9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §5A-6-9, relating to
12 donation and transfer of surplus state owned personal
13 computers for educational purposes; making legislative
14 findings; defining terms; providing a process for the Chief
15 Technology Officer to review the usability of donated personal
16 computers prior to disposal; setting forth obligations of
17 state agencies seeking to donate personal computers; setting
18 forth the obligations of the Division of Purchasing, the State
19 Agency for Surplus Property, the State Board of Education and
20 the county boards of education; setting forth rule-making
21 authority; permitting county boards of education to donate
22 obsolete hardware and software materials; and establishing
23 that neither the state nor any county board of education is
24 obligated to repair any donated personal computer.

1 *Be it enacted by the Legislature of West Virginia:*

2 That the Code of West Virginia, 1931, as amended, be amended
3 by adding thereto a new section, designated §5A-6-9, to read as
4 follows:

5 **ARTICLE 6. OFFICE OF TECHNOLOGY.**

6 **§5A-6-9. Computer donation program.**

7 (a) The Legislature finds that:

8 (1) Some state-owned personal computers could be used by
9 public school students when they are no longer used by or are being
10 replaced by a state agency;

11 (2) Personal computers are vital tools for providing a quality
12 education;

13 (3) The Legislature appropriates substantial funds for
14 purchasing personal computers for public schools; and

15 (4) When a state agency is disposing of personal computers
16 that could be used by public school students, the most advantageous
17 disposition is to transfer them to the State Department of
18 Education for use by public school students.

19 (b) The Division of Purchasing shall promulgate a legislative
20 rule pursuant to article three, chapter twenty-nine-a of this code,
21 to implement the provisions of this section in a coordinated
22 manner. The rule shall provide for at least the following:

23 (1) A state agency that is required to dispose of personal
24 computers with the State Agency for Surplus Property shall notify

1 the Chief Technology Officer prior to disposing of any personal
2 computer that is four or fewer years old;

3 (2) The Chief Technology Officer shall examine the personal
4 computer and determine whether it meets the minimum criteria for
5 use by public school students established by rule of the State
6 Board of Education pursuant to this section;

7 (3) When the Chief Technology Officer determines that a
8 personal computer meets the minimum criteria for use by a public
9 school student, he or she shall identify the personal computer to
10 the State Agency for Surplus Property and the Department of
11 Education; and

12 (4) Notwithstanding section forty-five, article three of this
13 chapter, the State Agency for Surplus Property shall reserve any
14 personal computer so identified by the Chief Technology Officer for
15 at least thirty days for transfer to the Department of Education.

16 (c) The State Board of Education shall promulgate a rule in
17 accordance with article three-b, chapter twenty-nine-a of this code
18 to implement the provisions of this section. The rule shall provide
19 for at least the following:

20 (1) Criteria for determining whether personal computers are
21 suitable for use by public school students;

22 (2) A method for notifying county boards of education and
23 parents of eligible students of the availability of personal
24 computers;

- 1 (3) Criteria for determining student financial need;
2 (4) A standard for determining student eligibility based on
3 greatest level of financial need;
4 (5) A method for distributing available personal computers on
5 a fair and equitable basis among eligible students;
6 (6) A process for ensuring that all confidential information
7 and any program or other information necessary to preserve a
8 proprietary or licensing agreement is removed from any hardware or
9 software to be donated; and
10 (7) A method for reporting the number and socio-economic
11 characteristics of student recipients.
12 (d) County boards of education may donate obsolete hardware
13 and software to be replaced through the State Basic Skills and
14 Student Utilization of Computers in Curriculum for Enhancement of
15 Scholastic Skills programs to public school students in accordance
16 with the State Board of Education rule required by this section.
17 (e) Nothing in this section obligates the state or any county
18 board of education for the serviceability of any personal computer
19 donated pursuant to this section.
20 (f) As used in this section, "personal computer" includes
21 information systems, technology and equipment that are suitable for
22 use by public school students.

NOTE: The purpose of this bill is to provide a process for the donation and transfer of surplus state owned personal computers for educational purposes. The bill makes legislative findings and defines terms. The bill provides a process for the Chief Technology Officer to review the usability of donated personal computers prior to disposal. The bill also sets forth obligations of state agencies seeking to donate personal computers, the Division of Purchasing, the State Agency for Surplus Property, the State Board of Education and the county boards of education. The bill further sets forth rule-making authority. Also, the bill permits county boards of education to donate obsolete hardware and software materials. The bill establishes that neither the state nor any county board of education is obligated to repair any donated personal computer.

This section is new; therefore, it has been completely underscored.