

COMMITTEE SUBSTITUTE

FOR

H. B. 2160

(BY DELEGATE(S) ROWAN, COWLES, PERRY,
WILLIAMS, HAMILTON, ANDERSON, PASDON, DUKE,
ESPINOSA, MILEY AND E. NELSON)

(Originating in the House Committee on Finance.)
[February 11, 2015]

A BILL to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4c and §18-9D-16 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-9D-22, all relating to making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority.

Be it enacted by the Legislature of West Virginia:

That §18-9D-2, §18-9D-3, §18-9D-4c and §18-9D-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §18-9D-22, all to read as follows:

ARTICLE 9D. SCHOOL BUILDING AUTHORITY.

§18-9D-2. Definitions.

1 For the purposes of this article, unless a different meaning
2 clearly appears from the context:

3 (1) “Authority” means the School Building Authority of
4 West Virginia;

5 (2) “Bonds” means bonds issued by the authority pursuant
6 to this article;

7 (3) “Construction project” means a project in the furtherance
8 of a facilities plan with a cost greater than \$1 million for the new
9 construction, expansion or major renovation of facilities,
10 buildings and structures for school purposes, including:

11 (A) The acquisition of land for current or future use in
12 connection with the construction project;

13 (B) New or substantial upgrading of existing equipment,
14 machinery and furnishings;

15 (C) Installation of utilities and other similar items related to
16 making the construction project operational.

17 (D) Construction project does not include such items as
18 books, computers or equipment used for instructional purposes;
19 fuel; supplies; routine utility services fees; routine maintenance
20 costs; ordinary course of business improvements; other items
21 which are customarily considered to result in a current or
22 ordinary course of business operating charge or a major
23 improvement project;

24 (4) "Cost of project" means the cost of construction,
25 expansion, renovation, repair and safety upgrading of facilities,
26 buildings and structures for school purposes; the cost of land,
27 equipment, machinery, furnishings, installation of utilities and
28 other similar items related to making the project operational; and
29 the cost of financing, interest during construction, professional
30 service fees and all other charges or expenses necessary,
31 appurtenant or incidental to the foregoing, including the cost of
32 administration of this article;

33 (5) “County board” or “county” means a county board of
34 education as provided in article five of this chapter and includes
35 the West Virginia Schools for the Deaf and the Blind as provided
36 in article seventeen of this chapter when acting with the approval
37 of the West Virginia Board of Education to submit, request and
38 receive an award of funds or services for projects under the
39 provisions of this article.

40 ~~(5)~~ (6) “Facilities plan” means the ten-year countywide
41 comprehensive educational facilities plan established by a
42 county board in accordance with guidelines adopted by the
43 authority to meet the goals and objectives of this article, or a
44 facilities plan established by the administration of the West
45 Virginia Schools for the Deaf and Blind that:

46 (A) Addresses the existing school facilities and facility needs
47 of the county, or the Schools for the Deaf and Blind, to provide
48 a thorough and efficient education in accordance with the
49 provisions of this code and policies of the state board;

50 (B) Best serves the needs of individual students, the general
51 school population and the communities served by the facilities,
52 including, but not limited to, providing for a facility

53 infrastructure that avoids excessive school bus transportation
54 times for students consistent with sound educational policy and
55 within the budgetary constraints for staffing and operating the
56 schools of the county;

57 (C) Includes the school major improvement plan;

58 (D) Includes the county board's school access safety plan
59 required by section three, article nine-f of this chapter;

60 (E) Is updated annually to reflect projects completed, current
61 enrollment projections and new or continuing needs; and

62 (F) Is approved by the state board and the authority prior to
63 the distribution of state funds pursuant to this article to any
64 county board or other entity applying for funds;

65 ~~(6)~~ (7) "Project" means a construction project or a major
66 improvement project;

67 ~~(7)~~ (8) "Region" means the area encompassed within and
68 serviced by a regional educational service agency established
69 pursuant to section twenty-six, article two of this chapter;

70 ~~(8)~~ (9) "Revenue" or "revenues" means moneys:

71 (A) Deposited in the School Building Capital Improvements
72 Fund pursuant to section ten, article nine-a of this chapter;

73 (B) Deposited in the School Construction Fund pursuant to
74 section thirty, article fifteen, chapter eleven of this code and
75 section eighteen, article twenty-two, chapter twenty-nine of this
76 code;

77 (C) Deposited in the School Building Debt Service Fund
78 pursuant to section eighteen, article twenty-two, chapter
79 twenty-nine of this code;

80 (D) Deposited in the School Major Improvement Fund
81 pursuant to section thirty, article fifteen, chapter eleven of this
82 code;

83 (E) Received, directly or indirectly, from any source for use
84 in any project completed pursuant to this article;

85 (F) Received by the authority for the purposes of this article;
86 and

87 (G) Deposited in the Excess Lottery School Building Debt
88 Services Fund pursuant to section eighteen-a, article twenty-two,
89 chapter twenty-nine of this code;

90 ~~(9)~~ (10) “School major improvement plan” means a ten-year
91 school maintenance plan that:

92 (A) Is prepared by a county board in accordance with the
93 guidelines established by the authority and incorporated in its
94 Countywide Comprehensive Educational Facilities Plan, or is
95 prepared by the state board or the administrative council of an
96 area vocational educational center in accordance with the
97 guidelines if the entities seek funding from the authority for a
98 major improvement project, or is prepared by the administration
99 of the West Virginia Schools for the Deaf and Blind;

100 (B) Addresses the regularly scheduled maintenance for all
101 school facilities of the county or under the jurisdiction of the
102 entity seeking funding;

103 (C) Includes a projected repair and replacement schedule for
104 all school facilities of the county or of the entity seeking
105 funding;

106 (D) Addresses the major improvement needs of each school
107 within the county or under the jurisdiction of the entity seeking
108 funding; and

109 (E) Is required prior to the distribution of state funds for a
110 major improvement project pursuant to this article to the county
111 board, state board or administrative council; and

112 ~~(10)~~ (11) “School major improvement project” means a
113 project with a cost greater than \$50 thousand and less than \$1
114 million for the renovation, expansion, repair and safety
115 upgrading of existing school facilities, buildings and structures,
116 including the substantial repair or upgrading of equipment,
117 machinery, building systems, utilities and other similar items
118 related to the renovation, repair or upgrading in the furtherance
119 of a school major improvement plan. A major improvement
120 project does not include such items as books, computers or
121 equipment used for instructional purposes; fuel; supplies; routine
122 utility services fees; routine maintenance costs; ordinary course
123 of business improvements; or other items which are customarily
124 considered to result in a current or ordinary course of business
125 operating charge;;

126 (12) “Schools for the Deaf and Blind” or “West Virginia
127 Schools for the Deaf and Blind” means the Schools for the Deaf
128 and Blind established or continued under article seventeen of this
129 chapter.

§18-9D-3. Powers of authority.

1 The School Building Authority has the power:

2 (1) To sue and be sued, plead and be impleaded;

3 (2) To have a seal and alter the same at pleasure;

4 (3) To contract to acquire and to acquire, in the name of the
5 authority, by purchase, lease-purchase not to exceed a term of
6 twenty-five years, or otherwise, real property or rights or
7 easements necessary or convenient for its corporate purposes and
8 to exercise the power of eminent domain to accomplish those
9 purposes;

10 (4) To acquire, hold and dispose of real and personal
11 property for its corporate purposes;

12 (5) To make bylaws for the management and rule of its
13 affairs;

14 (6) To appoint, contract with and employ attorneys, bond
15 counsel, accountants, construction and financial experts,
16 underwriters, financial advisers, trustees, managers, officers and
17 such other employees and agents as may be necessary in the
18 judgment of the authority and to fix their compensation:
19 *Provided*, That contracts entered into by the School Building
20 Authority in connection with the issuance of bonds under this
21 article to provide professional and technical services, including,

22 without limitation, accounting, actuarial, underwriting,
23 consulting, trustee, bond counsel, legal services and contracts
24 relating to the purchase or sale of bonds are subject to the
25 provisions of article three, chapter five-a of this code: *Provided*,
26 *however*, That notwithstanding any other provisions of this code,
27 any authority of the Attorney General of this state relating to the
28 review of contracts and other documents to effectuate the
29 issuance of bonds under this article shall be exclusively limited
30 to the form of the contract and document: *Provided further*, That
31 the Attorney General of this state shall complete all reviews of
32 contracts and documents relating to the issuance of bonds under
33 this article within ten calendar days of receipt of the contract and
34 document for review;

35 (7) To make contracts and to execute all instruments
36 necessary or convenient to effectuate the intent of and to
37 exercise the powers granted to it by this article;

38 (8) To renegotiate all contracts entered into by it whenever,
39 due to a change in situation, it appears to the authority that its
40 interests will be best served;

41 (9) To acquire by purchase, eminent domain or otherwise all
42 real property or interests in the property necessary or convenient
43 to accomplish the purposes of this article;

44 (10) To require proper maintenance and insurance of any
45 project authorized under this section, including flood insurance
46 for any facility within the one hundred year flood plain, at which
47 authority funds are expended;

48 (11) To charge rent for the use of all or any part of a project
49 or buildings at any time financed, constructed, acquired or
50 improved, in whole or in part, with the revenues of the authority;

51 (12) To assist the West Virginia Schools for the Deaf and
52 Blind or any county board of education that chooses to acquire
53 land, buildings and capital improvements to existing school
54 buildings and property for use as public school facilities, by
55 lease from a private or public lessor for a term not to exceed
56 twenty-five years with an option to purchase pursuant to an
57 investment contract with the lessor on such terms and conditions
58 as may be determined to be in the best interests of the authority,
59 the State Board of Education and, if applicable, the county board
60 of education, consistent with the purposes of this article, by

61 transferring funds to the State Board of Education as provided in
62 subsection (d), section fifteen of this article for the use of the
63 county board of education;

64 (13) To accept and expend any gift, grant, contribution,
65 bequest or endowment of money and equipment to, or for the
66 benefit of, the authority or any project under this article, from
67 the State of West Virginia or any other source for any or all of
68 the purposes specified in this article or for any one or more of
69 such purposes as may be specified in connection with the gift,
70 grant, contribution, bequest or endowment;

71 (14) To enter on any lands and premises for the purpose of
72 making surveys, soundings and examinations;

73 (15) To contract for architectural, engineering or other
74 professional services considered necessary or economical by the
75 authority to provide consultative or other services to the
76 authority or to any regional educational service agency, the West
77 Virginia Schools for the Deaf and Blind or any county board
78 requesting professional services offered by the authority, to
79 evaluate any facilities plan or any project encompassed in the
80 plan, to inspect existing facilities or any project that has received

81 or may receive funding from the authority or to perform any
 82 other service considered by the authority to be necessary or
 83 economical. Assistance to the region, school or district may
 84 include the development of preapproved systems, plans, designs,
 85 models or documents; advice or oversight on any plan or project;
 86 or any other service that may be efficiently provided by the
 87 authority to regional educational service agencies, the state
 88 board, or county boards by the authority or the West Virginia
 89 Schools for the Deaf or Blind;

90 (16) To provide funds on an emergency basis to repair or
 91 replace property damaged by fire, flood, wind, storm, earthquake
 92 or other natural occurrence, the funds to be made available in
 93 accordance with guidelines of the School Building Authority;

94 (17) To transfer moneys to custodial accounts maintained by
 95 the School Building Authority with a state financial institution
 96 from the school construction fund and the school improvement
 97 fund created in the State Treasury pursuant to the provisions of
 98 section six of this article, as necessary to the performance of any
 99 contracts executed by the School Building Authority in
 100 accordance with the provisions of this article;

101 (18) To enter into agreements with county boards and
102 persons, firms or corporations to facilitate the development of
103 ~~county-board~~ projects and ~~county-board~~ facilities plans. The
104 county board participating in an agreement shall pay at least
105 twenty-five percent of the cost of the agreement. Nothing in this
106 section ~~shall~~ may be construed to supersede, limit or impair the
107 authority of county boards to develop and prepare their projects
108 or plans;

109 (19) To encourage any project or part thereof to provide
110 opportunities for students to participate in supervised, unpaid
111 work-based learning experiences related to the student's program
112 of study approved by the county board or the administration of
113 the West Virginia Schools for the Deaf and Blind. The
114 work-based learning experience ~~must~~ shall be conducted in
115 accordance with a formal training plan approved by the
116 instructor, the employer and the student, ~~and which sets~~ The
117 experience shall set forth at a minimum the specific skills to be
118 learned, the required documentation of work-based learning
119 experiences, the conditions of the placement, including duration
120 and safety provisions, and provisions for supervision and

121 liability insurance coverage as applicable. Projects involving the
 122 new construction and renovation of vocational-technical and
 123 adult education facilities should provide opportunities for
 124 students to participate in supervised work-based learning
 125 experiences, to the extent practical, which meet the requirements
 126 of this subdivision. Nothing in this subdivision may be construed
 127 to affect registered youth apprenticeship programs or the
 128 provisions governing those programs; and

129 (20) To do all things necessary or convenient to carry out the
 130 powers given in this article.

**§18-9D-4c. School Building Authority authorized to temporarily
 finance projects through the issuance of loans, notes
 or other evidences of indebtedness.**

1 The School Building Authority may by resolution, in
 2 accordance with the provisions of this article, temporarily
 3 finance the cost of projects and other expenditures permitted
 4 under this article for public schools in this state, including, but
 5 not limited to, comprehensive high schools, ~~and~~ comprehensive
 6 middle schools ~~as defined in this article, in this state through the~~
 7 ~~issuance of~~ and the West Virginia Schools for the Deaf and
 8 Blind. The financing may be issued through loans, notes or other

9 evidences of indebtedness: ~~Provided, That~~ the outstanding
10 principal amount of loans, notes or other evidences of
11 indebtedness outstanding at any one time shall which may not
12 exceed \$16 million at any one time. ~~Provided, however, That~~
13 The principal of, interest and premium if any on, and fees
14 associated with any ~~such~~ temporary financing shall be payable
15 solely from the proceeds of bonds or the sources from which the
16 ~~principal of, interest and premium, if any, on bonds is~~ any bonds
17 are payable under this article. ~~or from the proceeds of bonds~~

§18-9D-16. Authority to establish guidelines and procedures for facilities and major improvement plans; guidelines for modifications and updates, etc.; guidelines for project evaluation; submission of certified list of projects to be funded; department on-site inspection of facilities; enforcement of required changes or additions to project plans.

1 (a) The authority shall establish guidelines and procedures
2 to promote the intent and purposes of this article and assure the
3 prudent and resourceful expenditure of state funds for projects
4 under this article including, but not limited to, the following:

5 (1) Guidelines and procedures for the facilities plans, school
6 major improvement plans and projects submitted in the

7 furtherance of the plans that address, but are not limited to, the
8 following:

9 (A) All of the elements of the respective plans as defined in
10 section two of this article;

11 (B) The procedures for a county or the administration of the
12 West Virginia Schools for the Deaf and Blind to submit a
13 preliminary plan, a plan outline or a proposal for a plan to the
14 authority prior to the submission of the facilities plan. The
15 preliminary plan, plan outline or proposal for a plan shall be the
16 basis for a consultation meeting between representatives of the
17 county or the administration of the West Virginia Schools for the
18 Deaf and Blind and members of the authority, including at least
19 one citizen member, ~~which~~ The meeting shall be held promptly
20 following submission of the preliminary plan, plan outline or
21 proposal for a plan to assure understanding of the general goals
22 of this article and the objective criteria by which projects will be
23 evaluated, to discuss ways the plan may be structured to meet
24 those goals, and to assure efficiency and productivity in the
25 project approval process;

26 (C) The manner, time line and process for the submission of
27 each plan and annual plan updates to the authority;

28 (D) The requirements for public hearings, comments or other
29 means of providing broad-based input on plans and projects
30 under this article within a reasonable time period as the authority
31 may consider appropriate. The submission of each plan must be
32 accompanied by a synopsis of all comments received and a
33 formal comment by the county board, the state board or the
34 administrative council of an area vocational educational center
35 submitting the plan;

36 (E) Any project specifications and maintenance
37 specifications considered appropriate by the authority including,
38 but not limited to, such matters as energy efficiency, preferred
39 siting, construction materials, maintenance plan and any other
40 matter related to how the project is to proceed;

41 (F) A prioritization by the county board, the state board or
42 the administrative council submitting the plan of each project
43 contained in the plan. ~~In prioritizing the projects, the county~~
44 ~~board, the state board or the administrative council submitting~~
45 ~~the plan shall make determinations~~ The prioritization shall be

46 determined in accordance with the objective criteria formulated
 47 by the School Building Authority in accordance with this
 48 section. The priority list is one of the criteria that shall be
 49 considered by the authority in deciding how the available funds
 50 should be expended;

51 (G) The objective means to be set forth in the plan and used
 52 in evaluating implementation of the overall plan and each project
 53 included in the plan. The evaluation ~~must~~ shall measure how the
 54 plan addresses the goals of this article and any guidelines
 55 adopted under this article, ~~and~~ how each project is in furtherance
 56 of the facilities plan and school major improvement plan, as
 57 applicable, ~~as well as~~ the importance of the project to the overall
 58 success of the facilities plan or school major improvement plan,
 59 and the overall goals of the authority; and

60 (H) Any other matters considered by the authority to be
 61 important reflections of how a construction project or a major
 62 improvement project ~~or projects~~ will further the overall goals of
 63 this article.

64 (2) Guidelines and procedures which may be adopted by the
 65 authority for requiring that a county board modify, update,

66 supplement or otherwise submit changes or additions to an
67 approved facilities plan or for requiring that a county board, the
68 state board or the administrative council of an area vocational
69 educational center modify, update, supplement or otherwise
70 submit changes or additions to an approved school major
71 improvement plan. The authority shall provide reasonable
72 notification and sufficient time for the change or addition as
73 delineated in its guidelines ~~developed by the authority~~. The
74 guidelines shall require an update of the estimated duration of
75 school bus transportation times for students associated with any
76 construction project under consideration by the authority that
77 includes the closure, consolidation or construction of a school or
78 schools.

79 (3) Guidelines and procedures for evaluating project
80 proposals that are submitted to the authority that address, but are
81 not limited to, the following:

82 (A) Any project funded by the authority ~~must~~ shall be in
83 furtherance of the facilities plan or school major improvement
84 plan and in compliance with the guidelines established by the
85 authority;

86 (B) If a project is to benefit more than one county in the
87 region, the facilities plan ~~must~~ shall state the manner in which
88 the cost and funding of the project will be apportioned among
89 the counties;

90 (C) If a county board proposes to finance a construction
91 project through a lease with an option to purchase pursuant to an
92 investment contract as described in subsection (f), section fifteen
93 of this article, the specifications for the project must include the
94 term of the lease, the amount of each lease payment, including
95 the payment due upon exercise of the option to purchase, and the
96 terms and conditions of the proposed investment contract; and

97 (D) The objective criteria for the evaluation of projects
98 which shall include, but ~~are~~ is not limited to, the following:

99 (i) How the current facilities do not meet and how the plan
100 and any project under the plan ~~meets~~ meet the following:

101 (I) Student health and safety including, but not limited to,
102 critical health and safety needs;

103 (II) Economies of scale, including compatibility with similar
104 schools that have achieved the most economical organization,
105 facility use and pupil-teacher ratios;

106 (III) Reasonable travel time and practical means of
107 addressing other demographic considerations. The authority may
108 not approve a project ~~after July 1, 2008~~ that includes a school
109 closure, consolidation or new construction for which a new bus
110 route will be created for ~~the transportation of students in any of~~
111 ~~the grade levels prekindergarten through grade five~~ transporting
112 any prekindergarten through fifth grade students to and from any
113 school included in the project, ~~which new bus~~ if the route
114 exceeds by more than fifteen minutes the recommended ~~duration~~
115 ~~of the one-way school bus transportation~~ duration time for
116 elementary students adopted by the state board ~~as provided in~~
117 pursuant to section five-d, article two-e of this chapter, unless
118 the county has received the written permission of the state board
119 to create the route in accordance with said section five-d;

120 (IV) Multicounty and regional planning to achieve the most
121 effective and efficient instructional delivery system;

122 (V) Curriculum improvement and diversification, including
123 the use of instructional technology, distance learning and access
124 to advanced courses in science, mathematics, language arts and
125 social studies;

126 (VI) Innovations in education;

127 (VII) Adequate space for projected student enrollments;

128 (VIII) The history of efforts taken by the county board to
129 propose or adopt local school bond issues or special levies to the
130 extent Constitutionally permissible; and

131 (IX) Regularly scheduled preventive maintenance; and

132 (ii) How the project will assure the prudent and resourceful
133 expenditure of state funds and achieve the purposes of this
134 article for constructing, expanding, renovating or otherwise
135 improving and maintaining school facilities for a thorough and
136 efficient education.

137 (4) Guidelines and procedures for evaluating projects for
138 funding that address, but are not limited to, the following:

139 (A) Requiring each county board's facilities plan and school
140 major improvement plan to prioritize all the construction
141 projects or major improvement projects, respectively, within the
142 county. A school major improvement plan submitted by the state
143 board or the administrative council of an area vocational
144 educational center shall prioritize all the school improvement

145 projects contained in the plan. The priority list shall be one of the
146 criteria to be considered by the authority in determining how
147 available funds shall be expended. In prioritizing the projects,
148 the county board, the state board or the administrative council
149 submitting a plan shall make determinations in accordance with
150 the objective criteria formulated by the School Building
151 Authority;

152 (B) The return to each county submitting a project proposal
153 an explanation of the evaluative factors underlying the decision
154 of the authority to fund or not to fund the project; and

155 (C) The allocation and expenditure of funds in accordance
156 with this article, subject to the availability of funds.

157 (b) Prior to final action on approving projects for funding
158 under this article, the authority shall submit a certified list of the
159 projects to the Joint Committee on Government and Finance.

160 (c) The State Department of Education shall conduct on-site
161 inspections, at least annually, of all facilities which have been
162 funded wholly or in part by moneys from the authority or state
163 board to ensure compliance with the county board's facilities

164 plan and school major improvement plan as related to the
 165 facilities; to preserve the physical integrity of the facilities to the
 166 extent possible; and to otherwise extend the useful life of the
 167 facilities. ~~Provided, That~~ The state board shall submit reports
 168 regarding ~~its on-site~~ the inspections of facilities to the authority
 169 within thirty days of completion. ~~of the on-site inspections.~~
 170 ~~Provided, however, That~~ The state board shall promulgate rules
 171 regarding the on-site inspections and matters relating thereto, in
 172 consultation with the authority, ~~as soon as practical~~ and shall
 173 submit proposed rules for legislative review. ~~no later than~~
 174 ~~December 1, 1994~~

175 (d) Based on its on-site inspection or notification by the
 176 authority to the state board that the changes or additions to a
 177 ~~county's board~~ county board's facilities plan or school major
 178 improvement plan ~~required by the authority~~ have not been
 179 implemented within the time period prescribed by the authority,
 180 the state board shall restrict the use of the necessary funds or
 181 otherwise allocate funds from moneys appropriated by the
 182 Legislature for those purposes set forth in section nine, article
 183 nine-a of this chapter.

§18-9D-22. Eligibility of the West Virginia Schools for the Deaf and Blind to participate in all types of funding administered or distributed by the authority.

1 (a) The Legislature finds that:

2 (1) The Legislature's constitutional obligation to provide a
3 thorough and efficient public education for the children of West
4 Virginia includes providing a thorough and efficient education
5 for the children of West Virginia who are deaf and blind;

6 (2) The Legislature has endeavored to fulfill this obligation
7 with the creation, maintenance and operation of the West
8 Virginia Schools for the Deaf and Blind, established and
9 continued under article seventeen of this chapter;

10 (3) The West Virginia Schools for the Deaf and Blind have
11 for generations provided educational services to children from
12 each of West Virginia's fifty-five counties;

13 (4) The facilities of the West Virginia Schools for the Deaf
14 and Blind are in need of substantial improvements;

15 (5) The West Virginia Schools for the Deaf and Blind have
16 no local levy which supports their operations, and depend
17 completely upon the appropriations from the state;

18 (6) The West Virginia Schools for the Deaf and Blind have
19 no borrowing authority nor revenue stream that can serve as a
20 source of servicing debt;

21 (7) Questions have arisen as to whether or not it is
22 permissible for the School Building Authority to distribute to the
23 West Virginia Schools for the Deaf and Blind financial
24 assistance for the construction and improvement of their
25 facilities; and

26 (8) The West Virginia Schools for the Deaf and Blind should
27 have access to and be eligible to receive all types of funding
28 provided to county boards by the authority.

29 (b) Notwithstanding any provision of this code to the
30 contrary:

31 (1) The West Virginia Schools for the Deaf and Blind are
32 eligible to participate in all funding distributed by the authority;
33 and

34 (2) The authority may distribute to the West Virginia
35 Schools for the Deaf and Blind funds as it determines to be
36 appropriate.

37 (c) The authority may not require the contribution of local
38 funds for a project of the West Virginia Schools for the Deaf and
39 Blind, nor penalize the consideration or priority ranking of a
40 project of the schools for lack of local project funds. The state
41 board may apply for funds for education programs under its
42 jurisdiction for projects at the West Virginia Schools for the
43 Deaf and Blind.