

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

Introduced

### House Bill 2577

FISCAL  
NOTE

2015 Carryover

(BY DELEGATE WALTERS)

[Introduced January 13, 2016; referred to the  
Committee on Education then Finance.]

1 A BILL to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating  
 2 to consolidating purchasing by county boards of education through the regional education  
 3 service agency serving their areas.

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

1 That §18-5-13 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-13. Authority of boards generally.**

1 Subject to the provisions of this chapter and the rules of the state board, each county  
 2 board may:

3 (a) Control and manage all of the schools and school interests for all school activities and  
 4 upon all school property owned or leased by the county, including:

5 (1) Requiring schools to keep records regarding funds connected with the school or school  
 6 interests, including all receipts and disbursements of all funds collected or received by:

7 (A) Any principal, teacher, student or other person in connection with the schools and  
 8 school interests;

9 (B) Any program, activity or other endeavor of any nature operated or conducted by or in  
 10 the name of the school; and

11 (C) Any organization or body directly connected with the school;

12 (2) Allowing schools to expend funds for student, parent, teacher and community  
 13 recognition programs. A school may use only funds it generates through a fund-raising or  
 14 donation-soliciting activity. Prior to commencing the activity, the school shall:

15 (A) Publicize the activity as intended for this purpose; and

16 (B) Designate for this purpose the funds generated;

17           (3) Auditing the records and conserving the funds, including securing surety bonds by  
18 expending board moneys. The funds described in this subsection are quasipublic funds, which  
19 means the moneys were received for the benefit of the school system as a result of curricular or  
20 noncurricular activities;

21           (b) Establish:

22                 (1) Schools, from preschool through high school;

23                 (2) Vocational schools; and

24                 (3) Schools and programs for post-high school instruction, subject to approval of the state  
25 board;

26           (c) Close any school:

27                 (1) Which is unnecessary and assign the students to other schools. The closing shall  
28 occur pursuant to official action of the county board. Except in emergency situations when the  
29 timing and manner of notification are subject to approval by the state superintendent, the county  
30 board shall notify the affected teachers and service personnel of the county board action not later  
31 than the first Monday in April. The board shall provide notice in the same manner as set forth in  
32 section four of this article; or

33                 (2) Pursuant to the provisions of subsection (e) of this section;

34           (d) Consolidate schools;

35           (e) Close any elementary school whose average daily attendance falls below twenty  
36 students for two consecutive months. The county board may assign the students to other  
37 schools in the district or to schools in adjoining districts. If the teachers in the closed school are  
38 not transferred or reassigned to other schools, they shall receive one month's salary;

39           (f) Provide transportation according to rules established by the county board, as follows:

40                 (1) To provide at public expense adequate means of transportation:

41 (A) For all children of school age who live more than two miles distance from school by  
42 the nearest available road;

43 (B) For school children participating in county board-approved curricular and  
44 extracurricular activities;

45 (C) Across county lines for students transferred from one district to another by mutual  
46 agreement of both county boards. The agreement shall be recorded in the meeting minutes of  
47 each participating county board and is subject to the provisions of subsection (h) of this section;  
48 and

49 (D) Within available revenues, for students within two miles distance of the school; and

50 (2) To provide transportation for participants in projects operated, financed, sponsored or  
51 approved by the Bureau of Senior Services. This transportation shall be provided at no cost to  
52 the county board. All costs and expenses incident in any way to this transportation shall be  
53 borne by the bureau or the local or county affiliate of the bureau;

54 (3) Any school bus owned by the county board may be operated only by a bus operator  
55 regularly employed by the county board, except as provided in subsection (g) of this section;

56 (4) Pursuant to rules established by the state board, the county board may provide for  
57 professional employees to be certified to drive county board-owned vehicles that have a seating  
58 capacity of fewer than ten passengers. These employees may use the vehicles to transport  
59 students for school-sponsored activities, but may not use the vehicles to transport students  
60 between school and home. Not more than one of these vehicles may be used for any  
61 school-sponsored activity;

62 (5) Students may not be transported to a school-sponsored activity in any county-owned  
63 or leased vehicle that does not meet school bus or public transit ratings. This section does not  
64 prohibit a parent from transporting ten or fewer students in a privately-owned vehicle;

65 (6) Students may be transported to a school-sponsored activity in a vehicle that has a  
66 seating capacity of sixteen or more passengers which is not owned and operated by the county  
67 board only as follows:

68 (A) The state board shall promulgate a rule to establish requirements for:

69 (i) Automobile insurance coverage;

70 (ii) Vehicle safety specifications;

71 (iii) School bus or public transit ratings; and

72 (iv) Driver training, certification and criminal history record check; and

73 (B) The vehicle owner shall provide to the county board proof that the vehicle and driver  
74 satisfy the requirements of the state board rule; and

75 (7) Buses shall be used for extracurricular activities as provided in this section only when  
76 the insurance coverage required by this section is in effect;

77 (g) Lease school buses pursuant to rules established by the county board.

78 (1) Leased buses may be operated only by bus operators regularly employed by the  
79 county board, except that these buses may be operated by bus operators regularly employed by  
80 another county board in this state if bus operators from the owning county are unavailable.

81 (2) The lessee shall bear all costs and expenses incurred by, or incidental to the use of,  
82 the bus.

83 (3) The county board may lease buses to:

84 (A) Public and private nonprofit organizations and private corporations to transport  
85 school-age children for camps or educational activities;

86 (B) Any college, university or officially recognized campus organization for transporting  
87 students, faculty and staff to and from the college or university. Only college and university  
88 students, faculty and staff may be transported pursuant to this paragraph. The lease shall

89 include provisions for:

90 (i) Compensation for bus operators;

91 (ii) Consideration for insurance coverage, repairs and other costs of service; and

92 (iii) Any rules concerning student behavior;

93 (C) Public and private nonprofit organizations, including education employee  
94 organizations, for transportation associated with fairs, festivals and other educational and cultural  
95 events. The county board may charge fees in addition to those charges otherwise required by  
96 this subsection;

97 (h) To provide at public expense for insurance coverage against negligence of the drivers  
98 of school buses, trucks or other vehicles operated by the county board. Any contractual  
99 agreement for transportation of students shall require the vehicle owner to maintain insurance  
100 coverage against negligence in an amount specified by the county board;

101 (i) Provide for the full cost or any portion thereof for group plan insurance benefits not  
102 provided or available under the West Virginia Public Employees Insurance Act. Any of these  
103 benefits shall be provided:

104 (1) Solely from county board funds; and

105 (2) For all regular full-time employees of the county board;

106 (j) Employ teacher aides; to provide in-service training for the aides pursuant to rules  
107 established by the state board; and, prior to assignment, to provide a four-clock-hour program of  
108 training for a service person assigned duties as a teacher aide in an exceptional children program.  
109 The four-clock-hour program shall consist of training in areas specifically related to the education  
110 of exceptional children;

111 (k) Establish and operate a self-supporting dormitory for:

112 (1) Students attending a high school or participating in a post high school program; and

113 (2) Persons employed to teach in the high school or post high school program;

114 (l) At the county board's discretion, employ, contract with or otherwise engage legal  
115 counsel in lieu of using the services of the prosecuting attorney to advise, attend to, bring,  
116 prosecute or defend, as the case may be, any matters, actions, suits and proceedings in which  
117 the county board is interested;

118 (m) Provide appropriate uniforms for school service personnel;

119 (n) Provide at public expense for payment of traveling expenses incurred by any person  
120 invited to appear to be interviewed concerning possible employment by the county board, subject  
121 to rules established by the county board;

122 (o) Allow designated employees to use publicly provided carriage to travel from their  
123 residences to their workplace and return. The use:

124 (1) Is subject to the supervision of the county board; and

125 (2) Shall be directly connected with, required by and essential to the performance of the  
126 employee's duties and responsibilities;

127 (p) Provide at public expense adequate public liability insurance, including professional  
128 liability insurance, for county board employees;

129 (q) Enter into cooperative agreements with other county boards to provide improvements  
130 to the instructional needs of each district. The cooperative agreements may be used to employ  
131 specialists in a field of academic study or for support functions or services for the field. The  
132 agreements are subject to approval by the state board;

133 (r) Provide information about vocational and higher education opportunities to exceptional  
134 students. The county board shall provide in writing to the students and their parents or guardians  
135 information relating to programs of vocational education and to programs available at state  
136 institutions of higher education. The information may include sources of available funding,

137 including grants, mentorships and loans for students who wish to attend classes at institutions of  
138 higher education;

139 (s) Enter into agreements with other county boards for the transfer and receipt of any funds  
140 determined to be fair when students are permitted or required to attend school in a district other  
141 than the district of their residence. These agreements are subject to the approval of the state  
142 board; and

143 (t) Enter into job-sharing arrangements, as defined in section one, article one, chapter  
144 eighteen-a of this code, with its employees, subject to the following provisions:

145 (1) A job-sharing arrangement shall meet all the requirements relating to posting,  
146 qualifications and seniority, as provided in article four, chapter eighteen-a of this code;

147 (2) Notwithstanding any contrary provision of this code or legislative rule and specifically  
148 the provisions of article sixteen, chapter five of this code, a county board that enters into a  
149 job-sharing arrangement:

150 (A) Shall provide insurance coverage to the one employee mutually agreed upon by the  
151 employees participating in that arrangement; and

152 (B) May not provide insurance benefits of any type to more than one of the job-sharing  
153 employees, including any group plan available under the state Public Employees Insurance Act;

154 (3) Each job-sharing agreement shall be in writing on a form prescribed and furnished by  
155 the county board. The agreement shall designate specifically one employee only who is entitled  
156 to the insurance coverage. Any employee who is not designated is not eligible for state public  
157 employees insurance coverage regardless of the number of hours he or she works;

158 (4) All employees involved in the job-sharing agreement shall meet the requirements of  
159 subdivision (3), section two, article sixteen, chapter five of this code; and

160 (5) When entering into a job-sharing agreement, the county board and the participating



161 employees shall consider issues such as retirement benefits, termination of the job-sharing  
162 agreement and any other issue the parties consider appropriate. Any provision in the agreement  
163 relating to retirement benefits may not cause any cost to be incurred by the retirement system  
164 that is more than the cost that would be incurred if a single employee were filling the position; and

165 (u) Under rules it establishes for each child, expend an amount not to exceed the  
166 proportion of all school funds of the district that each child would be entitled to receive if all the  
167 funds were distributed equally among all the children of school age in the district upon a per capita  
168 basis.

169 (v) In the interest of providing economies of scale and reducing costs, all purchases by  
170 county boards of education made after July 1, 2015, may be made through the regional education  
171 service agency, provided in section twenty-six, article two, chapter eighteen of this code, serving  
172 that county.

NOTE: The purpose of this bill is to consolidate purchasing by county boards of education through the regional education service agency serving their area.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.