

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4338

FISCAL
NOTE

By Delegate Rowe, Hamilton, Young, Griffith, Lewis,
Hansen, Hornbuckle, Garcia, Williams and Pushkin

[Introduced January 10, 2024 ; Referred
to the Committee on Education then Finance]

1 A BILL to amend and reenact §18-9F-4 and §18-9F-6 of the Code of West Virginia, 1931, as
 2 amended; and to amend said code by adding thereto a new section, designated §18-9F-
 3 7a, all relating to requiring evaluation and construction of school ingress and egress
 4 assessments to improve school safety; the School Building Authority, in consultation with
 5 the State School Board, the School Safety and Security Administrator and the Department
 6 of Homeland Security shall conduct an assessment of all existing school facilities and
 7 develop and distribute designs for upgrades to these existing facilities; directing counties
 8 to assist this evaluation; and to allow the funding mechanism established for school safety
 9 programs provided for in this article to fund these safety improvements

Be it enacted by the Legislature of West Virginia:

ARTICLE 9F. SCHOOL ACCESS SAFETY ACT.

§18-9F-4. Guidelines and procedures for school access safety plans; project evaluation; on-site inspection of facilities.

1 (a) By June 1, 2007, the authority shall establish and distribute to each county board
 2 guidelines and procedures regarding school access safety plans and school access safety
 3 projects, which shall address at least the following:

4 (1) All of the necessary elements of the school access safety plan required in accordance
 5 with the provisions of section three of this article;

6 (2) The manner, time line and process for submission to the authority of each safety plan
 7 and annual plan update, including guidelines for modification of an approved safety plan;

8 (3) Any project and maintenance specifications considered appropriate by the authority;

9 (4) Procedures for a county board to submit a preliminary plan, plan outline or plan
 10 proposal to the authority prior to submitting the safety plan. The preliminary plan, plan outline or
 11 plan proposal shall be the basis for a consultation meeting between representatives of the county
 12 board and the authority. The meeting shall be held as soon as practicable following submission in
 13 order to:

- 14 (A) Ensure understanding of the goals of this article;
- 15 (B) Discuss ways the plan may be structured to meet the goals of this article; and
- 16 (C) Ensure efficiency and productivity in the approval process; and
- 17 (5) Procedures for notifying county boards of the funds available for allocation and
- 18 disbursement during each fiscal year pursuant to section six of this article.

19 (b) By June 1, 2007, the authority shall establish and distribute to each county board
20 guidelines and procedures for evaluating safety plans and safety projects that address at least the
21 following:

22 (1) Whether the proposed safety project furthers the safety plan and complies with the
23 guidelines established by the authority;

24 (2) How the safety plan and safety project will ensure the prudent and resourceful
25 expenditure of state funds and achieve the purposes of this article;

26 (3) Whether the safety plan and safety project advance student health and safety needs,
27 including, but not limited to, critical health and safety needs;

28 (4) Whether the safety plan and safety project include regularly scheduled preventive
29 maintenance; and

30 (5) Consideration of the prioritized list of projects required by section three of this article.

31 (c) The authority shall establish guidelines and procedures for allocating and disbursing
32 funds in accordance with section six of this article, subject to the availability of funds.

33 (d) Each county board receiving funds pursuant to this article annually shall conduct an on-
34 site inspection and submit an audit review to the state board. The inspection shall be conducted in
35 accordance with the provisions of the Department of Education's Handbook on Planning School
36 Facilities.

37 (e) By July 1, 2025, or as soon as reasonably practicable thereafter, the authority shall
38 submit to each county school board, design guidelines for each school attendance building in the
39 county with an assessment of recommended priorities for construction as provided in §18-9F-7a of

40 this code.

§18-9F-6. Allocation of funds; eligibility for funding.

1 (a) On or before May 1 of each year, the authority shall determine the amount of funds
2 available in the School Access Safety Fund for allocation and disbursement during that fiscal year.

3 (b) The authority shall divide the amount of funds available pursuant to subsection (a) of
4 this section by the total net enrollment in public schools for the state as a whole. That quotient is
5 the per pupil amount. The authority shall allocate to each county board the per pupil amount of
6 funds for each student in net enrollment of that county, as defined in section two, article nine-a of
7 this chapter.

8 (c) The authority shall notify in writing each county board of education the amount of funds
9 available to that board as soon as practicable upon determining that amount pursuant to
10 subsection (b) of this section.

11 (d) Except as provided in subdivision (3) of this subsection, to be eligible to receive a
12 disbursement of funds pursuant to this article, a county board shall contribute local funds derived
13 from bonding, special levy or other identified sources to the school access safety projects
14 contained in the county board's school access safety plan.

15 (1) The amount of a county board's contribution shall equal at least fifteen percent of the
16 funds available to the county board pursuant to subsection (b) of this section.

17 (2) A county board may submit a financial hardship waiver request to the state board for
18 consideration regarding the county board's inability to provide the contribution required by this
19 subsection. Upon review and approval of the request by the state board, the authority shall waive
20 the contribution requirement for that county board and allocate and disburse funds pursuant to this
21 article.

22 (e) The authority may disburse funds pursuant to this section only to a county board that:

23 (1) Has a safety plan that has been approved by the authority; and

24 (2) Is prepared to commence expending the funds during the fiscal year in which the funds

25 are disbursed.

26 (f) The authority may disburse funds to a county board in a lump sum or according to a
27 schedule of payments adopted by the authority that is consistent with its guidelines.

28 (g) To encourage county boards to proceed promptly with school access safety planning
29 and to prepare for the expenditure of funds derived pursuant to this article, a county board forfeits
30 any funds that it fails to expend within one year of disbursement by the authority. The county board
31 is ineligible for any additional allocation or disbursement pursuant to this article until it is prepared
32 to expend funds according to an approved school access safety plan.

33 (1) The authority may authorize an extension beyond the one-year forfeiture period not to
34 exceed an additional six months.

35 (2) Any forfeited funds shall be returned to the School Access Safety Fund and made
36 available for future allocation and disbursement.

37 (h) Effective July 1, 2024, funds made available pursuant to this section are available for
38 appropriation for design and upgrades to existing school buildings and facilities to provide security
39 enhancement upgrades as provided for in §18-9F-7a of this code.

§18-9F-7a. Safety review and planning for existing schools.

1 Effective July 1, 2024, notwithstanding any other provisions of this article to the contrary,
2 the authority and State Department of Education, in consultation with the State School Safety and
3 Security Administrator and the Department of Homeland Security, cause to be developed design
4 standards, recommendations and priorities for redesign of existing schools entry and egress
5 points to prevent unauthorized persons from bringing firearms and dangerous weapons and
6 materials into a school consistent with the purpose and intent of this article, and to develop design
7 assessment options to address the variety of existing buildings and facilities and to adapt these
8 criteria to each existing school in the state. Each county school board shall assist the authority by
9 providing available blueprints, documents, photographs, and other information requested by the
10 authority to assist in development of such safety design protocols.

NOTE: The purpose of this bill is to create a mechanism for evaluation and implementation of school ingress and egress assessments by the School Building Authority, in consultation with the Department of Education, the School Safety and Security Administrator and the Department of Homeland Security, by conducting an assessment of all existing school facilities and developing and distributing designs for upgrades to these existing facilities; and to establish a funding mechanism established for school safety programs provided for in this article to fund these safety improvements.

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