

E N R O L L E D

COMMITTEE SUBSTITUTE

for

H. B. 2755

(BY DELEGATE(S) BOGGS, HANSHAW,
D. EVANS, PERRY, ASHLEY, PASDON, PETHTEL,
DUKE AND WILLIAMS)

[Passed March 9, 2015;
in effect from passage.]

AN ACT to amend and reenact §18-5-11a of the Code of West Virginia, 1931, as amended, relating to service and professional employee positions at jointly established schools.

Be it enacted by the Legislature of West Virginia:

That §18-5-11a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-11a. Joint governing partnership board pilot initiative.

1 (a) The Legislature finds that many examples exist across
2 the state of students who reside in one county, but who attend the
3 public schools in an adjoining county.

4 (1) These arrangements have been accommodated by the
5 boards of the adjoining counties and applicable statutes to serve
6 best the interests of the students by enabling them to attend a
7 school closer to their homes.

8 (2) Typically, these arrangements have evolved because
9 school closures or construction of new schools in the student's
10 county of residence have made a cross-county transfer to an
11 existing school in an adjoining county a more convenient,
12 practical and educationally sound option.

13 (b) The Legislature further finds that as population changes
14 continue to occur, the boards of adjoining counties may best
15 serve the interests of their students and families by establishing
16 a new school in partnership to be attended by students residing
17 in each of the counties. Particularly in the case of elementary
18 grade level schools established in partnership between adjoining
19 counties, the Legislature finds that each of the county boards, as
20 well as the parents of students from each of the counties attend-
21 ing the school, have an interest in the operation of the school and
22 the preparation of the students for success as they transition to
23 the higher grade levels in the other schools of their respective
24 home counties. Therefore, in the absence of a well defined
25 governance structure that accommodates these interests, the
26 purpose of this section is to provide for a joint governing
27 partnership board pilot initiative.

28 (c) The pilot initiative is limited to the joint establishment by
29 two adjoining counties of a school including elementary grade

30 levels for which a memorandum of understanding on the
31 governance and operation of the school has been signed. The
32 pilot initiative is subject to amendment of the agreement as may
33 be necessary to incorporate at least the following features of a
34 joint governing partnership board:

35 (1) The joint governing partnership board is comprised of the
36 county superintendent of each county, the president of the county
37 board of each county or his or her designee, and a designee of
38 the state superintendent;

39 (2) The board shall elect a chair from among its membership
40 for a two-year term and may meet monthly or at the call of the
41 chair.

42 (A) Meetings of the board are subject to the open govern-
43 mental proceedings laws applicable to county boards.

44 (B) The boards of the respective counties are responsible for
45 the expenses of its members and shall apportion other opera-
46 tional expenses of the board upon mutual agreement.

47 (C) Once the jointly established school is opened, the
48 meetings of the board shall be held at the school.

49 (3) All provisions of law applicable to the establishment,
50 operation and management of an inter-county school including,
51 but not limited to, section eleven, article five and section
52 fourteen, article nine-a of this chapter and article eight-i, article
53 four, chapter eighteen-a of this code apply, except that the joint
54 governing partnership board may exercise governing authority
55 for operation and management of the school in the following
56 areas:

57 (A) *Personnel.*

58 (1) Notwithstanding any other laws for employment,
59 evaluation, mentoring, professional development, suspension
60 and dismissal of public school employees, the powers and duties
61 of the county superintendent are vested in the joint governing
62 partnership board with respect to the employees employed by the
63 county in which the school is located or assigned to the school
64 from the partner county. Pursuant to the provisions of section
65 eight-i, article four, chapter eighteen-a of this code, employees
66 who are hired by the county board of the receiving county shall
67 accrue seniority in both the sending and receiving counties
68 during the time in which they continue to be employed at the
69 jointly established school. Upon losing a position at the jointly
70 established school due to reduction in force or involuntary
71 transfer, an employee shall displace a less senior employee in the
72 county of employment which immediately preceded employment
73 at the jointly established school. Once an employee from the
74 sending county voluntarily transfers or resigns from a position
75 at the jointly established school and is no longer employed in the
76 receiving county, the employee's seniority and any other
77 statutory rights in the receiving county cease.

78 (2) When initially filling service and professional employee
79 positions at the jointly established school, the counties shall
80 follow the procedures established in section eight-i, article four,
81 chapter eighteen-a of this code. For the initial school year of the
82 jointly established school's opening only, the receiving county
83 may not fill any vacancies created by the retirement or voluntary
84 transfer of employees of the receiving county school from
85 February 1 of the school year immediately preceding the opening
86 of the school until January 1 following the opening of the jointly
87 established school until the receiving county has received the list
88 of employees created pursuant to the provisions of subsection
89 (c), section eight-i, article four, chapter eighteen-a of this code.
90 The receiving county may not fill any of the vacancies refer-
91 enced in this subsection until the vacancies have been offered to
92 qualified individuals from the certified list.

93 (3) The employees of the jointly established school are the
94 employees of the employing county board and the partnership
95 board may make recommendations concerning these employ-
96 ment matters to the employing board it considers necessary and
97 appropriate.

98 (B) *Curriculum.*

99 (1) The joint governing partnership board is responsible for
100 the formulation and execution of the school's strategic improve-
101 ment plan and technology plan to meet the goals for student and
102 school performance and progress.

103 (2) In its formulation of these plans, the partnership board
104 shall consider the curriculum and plans of the respective county
105 boards to ensure preparation of the students at the school for
106 their successful transition into the higher grade level schools of
107 the respective counties;

108 (C) *Finances.* The joint governing partnership board shall
109 control and may approve the expenditure of all funds allocated
110 to the school for the school budget from either county and may
111 solicit and receive donations, apply for and receive grants and
112 conduct fund raisers to supplement the budget; and

113 (D) *Facilities.* Consistent with the policies in effect concern-
114 ing liability insurance coverage, maintenance and appropriate
115 uses of school facilities for the schools of the county in which
116 the school is located, the joint governing partnership board
117 governs the use of the school facility and ensures equitable
118 opportunities for access and use by organizations and groups
119 from both counties.

120 (d) The joint governing partnership board may adopt policies
121 for the school that are separate from the policies of the respec-
122 tive counties and, working in concert with its local school

123 improvement council, may propose alternatives to the operation
124 of the school which require the request of a waiver of policy,
125 interpretation or statute from either or both county boards, the
126 state board or the Legislature as appropriate.

127 (e) The superintendents and presidents of county boards of
128 adjoining counties that have in effect on the effective date of this
129 section a memorandum of understanding on the governance and
130 operation of a jointly established school shall report to the
131 Legislative Oversight Commission on Education Accountability
132 on or before November 1, 2013, on the status of implementation
133 of this section.

134 (1) Once established, the joint governing partnership board
135 established under this pilot initiative shall remain in effect for
136 five consecutive school years unless authority for the pilot
137 initiative is repealed.

138 (2) The Legislative Oversight Commission on Education
139 Accountability may request the superintendents and the presi-
140 dents of the county boards to provide periodic updates on this
141 pilot initiative. Also, at the conclusion of the five-year pilot
142 initiative, they shall report their recommendations on the
143 viability of the joint governing partnership board approach and
144 any recommended changes to the Legislative Oversight Com-
145 mission on Education Accountability.

146 (A) When the five-year period is concluded, by affirmative
147 vote of both boards, the joint governing partnership board shall
148 remain in effect; or

149 (B) The agreement between the boards for the governance
150 and operation of the school shall revert to the terms in effect on
151 the effective date of this section, subject to amendment by
152 agreement of the boards.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2015.

Governor

