

**H. B. 2577**

(By Delegate Walters)

[Introduced February 3, 2015; referred to the  
Committee on Education then Finance.]

**FISCAL  
NOTE**

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

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

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

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

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

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

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

(1) Requiring schools to keep records regarding funds connected with the school or school

1 interests, including all receipts and disbursements of all funds collected or received by:

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

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

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

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

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

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

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

16 (b) Establish:

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

18 (2) Vocational schools; and

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

21 (c) Close any school:

22 (1) Which is unnecessary and assign the students to other schools. The closing shall occur

1 pursuant to official action of the county board. Except in emergency situations when the timing and  
2 manner of notification are subject to approval by the state superintendent, the county board shall  
3 notify the affected teachers and service personnel of the county board action not later than the first  
4 Monday in April. The board shall provide notice in the same manner as set forth in section four of  
5 this article; or

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

7 (d) Consolidate schools;

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

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

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

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

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

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

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

22 (2) To provide transportation for participants in projects operated, financed, sponsored or

1 approved by the Bureau of Senior Services. This transportation shall be provided at no cost to the  
2 county board. All costs and expenses incident in any way to this transportation shall be borne by the  
3 bureau or the local or county affiliate of the bureau;

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

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

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

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

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

18 (i) Automobile insurance coverage;

19 (ii) Vehicle safety specifications;

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

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

22 (B) The vehicle owner shall provide to the county board proof that the vehicle and driver

1 satisfy the requirements of the state board rule; and

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

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

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

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

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

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

13 (B) Any college, university or officially recognized campus organization for transporting  
14 students, faculty and staff to and from the college or university. Only college and university  
15 students, faculty and staff may be transported pursuant to this paragraph. The lease shall include  
16 provisions for:

17 (i) Compensation for bus operators;

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

19 (iii) Any rules concerning student behavior;

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

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

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

8 (1) Solely from county board funds; and

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

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

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

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

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

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

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

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

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

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

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

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

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

15           (r) Provide information about vocational and higher education opportunities to exceptional  
16 students. The county board shall provide in writing to the students and their parents or guardians  
17 information relating to programs of vocational education and to programs available at state  
18 institutions of higher education. The information may include sources of available funding,  
19 including grants, mentorships and loans for students who wish to attend classes at institutions of  
20 higher education;

21           (s) Enter into agreements with other county boards for the transfer and receipt of any funds  
22 determined to be fair when students are permitted or required to attend school in a district other than

1 the district of their residence. These agreements are subject to the approval of the state board; and

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

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

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

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

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

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

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

19 (5) When entering into a job-sharing agreement, the county board and the participating  
20 employees shall consider issues such as retirement benefits, termination of the job-sharing agreement  
21 and any other issue the parties consider appropriate. Any provision in the agreement relating to  
22 retirement benefits may not cause any cost to be incurred by the retirement system that is more than



1 the cost that would be incurred if a single employee were filling the position; and

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

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