

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**ENROLLED**

## **House Bill 2827**

BY DELEGATES ELLINGTON, CLARK, SMITH, CHIARELLI,

LONGANACRE, HORNBY, STATLER, TONEY, ROWE AND

ESPINOSA

[Passed March 6, 2023; in effect ninety days from passage.]



1 AN ACT to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended, relating  
2 to safety and security measures for school facilities and the Safe Schools Fund; making  
3 public charter schools eligible for Safe Schools Funds; providing that Safe Schools Funds  
4 shall be distributed first to meet the special education video requirements, then safe school  
5 entry way needs, and when met, on the basis of need; providing that any moneys  
6 distributed from the Safe Schools Fund for facility improvements shall only be expended  
7 on facilities owned by a county board of education, public charter school or multicounty  
8 vocational center, unless the improvements to such facilities may be removed with minimal  
9 effort; and, providing that the West Virginia Board of Education shall promulgate rules to  
10 govern the process by which county boards of education, public charter schools and  
11 multicounty vocational centers may apply for needs-based funding from the Safe Schools  
12 Fund.

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

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

**§18-5-48. Safety and security measures for school facilities; Safe Schools Fund created.**

1 (a) Each county board of education, public charter school, and multicounty vocational  
2 center shall annually assess the safety and security of each of the school facilities for which they  
3 are responsible. Safety and security measures of each facility shall be upgraded when necessary  
4 to ensure, to the best of the county board's, public charter school governing board's or multicounty  
5 vocational center administrative council's ability, the safety of the students within each facility.  
6 Each county board of education, public charter school governing board, and multicounty  
7 vocational center administrative council shall report annually the safety and security measures it  
8 has put in place, including upgrades thereto, to the State Department of Education. Annually, the  
9 State Department of Education shall compile the information received and report it to the  
10 Legislative Oversight Commission on Education Accountability.

11 (b) As used in this section, "safety and security measures" means action taken by a county  
12 board of education, a public charter school, or multicounty vocational center that improves the  
13 security of a school facility and the safety of the students within such facility, including, but not  
14 limited to, hiring a school resource officer, installing weapon detection systems, upgrading facility  
15 doors or windows.

16 (c) There is hereby created in the State Treasury a special revenue fund to be known as  
17 the Safe Schools Fund. The fund shall consist of all moneys received from legislative  
18 appropriations and other sources to further the purpose of this section: *Provided*, That annually,  
19 the West Virginia Department of Education shall request an appropriation based on the requests  
20 of the county boards of education, public charter school governing boards and multicounty  
21 vocational center administrative councils. Subject to legislative appropriation, the funds  
22 appropriated annually to the School Safety Fund shall be distributed to the county boards of  
23 education, public charter schools, and multicounty vocational centers, on the basis of need.  
24 Moneys distributed from this fund shall not be used to make permanently affixed improvements,  
25 alterations or additions to a physical facility that a county board of education, public charter school  
26 or multicounty vocational center does not own. If the West Virginia Department of Education  
27 distributes any moneys from this fund for the purpose of making safety improvements on or in a  
28 facility that is not owned, it shall require that the improvements be accomplished in such a manner  
29 that they may be removed with minimal effort. All moneys distributed from this fund shall be used  
30 to support the purpose and intent of this section and all moneys must be spent to support the  
31 school for which the funding was derived: *Provided, however*, That moneys distributed from this  
32 fund also may be used for the purposes of §18-20-11 of this code, relating to video cameras in  
33 certain special education classrooms: Until such time as all school facilities are in full compliance  
34 with the special education video requirements, the West Virginia Department of Education shall  
35 first allocate the funding appropriated for the Safe Schools Fund based on the remaining need for  
36 video cameras in public school facilities. After all public school facilities have been provided

37 sufficient funds to meet the special education video camera requirements, the funds shall be  
38 distributed by the West Virginia Department of Education to meet the needs of school facilities to  
39 have safe school entry ways. After safe school entry way needs have been met, the West Virginia  
40 Department of Education shall distribute funds based upon a determination of need. Any moneys  
41 remaining in the fund at the close of the fiscal year shall be carried forward for use in the next  
42 fiscal year. Fund balances shall be invested with the state's Consolidated Investment Fund and  
43 any and all interest shall be used solely for the purposes that moneys deposited in the fund may  
44 be used pursuant to this article.

45 (d) The West Virginia Board of Education shall promulgate rules pursuant to §29A-3B-1  
46 *et seq.* of this code to establish a process by which county boards of education, public charter  
47 school governing boards and multicounty vocational center administrative councils may submit  
48 requests to obtain needs-based funding from the Safe Schools Fund. Such rules shall address:

- 49 (1) The manner, time line and process for the submission of a request;  
50 (2) The criteria by which requests shall be evaluated and prioritized; and  
51 (3) Any other matters deemed necessary to further the goals of this article.



The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

Originated in the House of Delegates.

In effect ninety days from passage.

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2023.

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*Governor*