WEST VIRGINIA CODE: §18-5-48

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

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

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

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

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

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

(1) The manner, time line and process for the submission of a request;

(2) The criteria by which requests shall be evaluated and prioritized; and

(3) Any other matters deemed necessary to further the goals of this article.

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