



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

4/30/2019 8:53:49 AM

Office of West Virginia  
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: School Building Authority Of WV TITLE-SERIES: 164-07  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: School Access Safety Act Guidelines and  
Procedures  
CITE STATUTORY AUTHORITY: 18-9D-20

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) Senate Bill 672

Section 18-9D-21(g) Passed On 3/7/2019 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 30, 2019

This rule shall terminate and have no further force or effect from the following date:

April 30, 2029

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

**Yes**

**Benjamin Ashley -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

TITLE 164  
LEGISLATIVE RULE  
SCHOOL BUILDING AUTHORITY OF WEST VIRGINIA

SERIES 7  
SCHOOL BUILDING AUTHORITY  
SCHOOL ACCESS SAFETY ACT GUIDELINES AND PROCEDURES

**§164-7-1. General.**

1.1. Scope. -- This legislative rule establishes the guidelines and procedures related to School Access Safety Act.

1.2. Authority. -- W. Va. Code §18-9D-20.

1.3. Filing Date. -- April 30, 2019

1.4. Effective Date. -- April 30, 2019

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of April 30, 2029.

**§164-7-2. School Access Safety Funds.**

2.1. Funds appropriated by the legislature to the School Access Safety Fund shall be distributed by the School Building Authority on the basis of net enrollment. These funds are for improvements of school access safety and will be distributed in accordance with School Building Authority policy and in accordance with all requirements in WV Code §18-9F-3.

**§164-7-3. School Access Safety Grants - Awarding of Funds.**

3.1. Each county board who has an approved School Access Safety Plan and meets all the eligibility requirements of the School Access Safety Act established in W. Va. Code §18-9F-1 et al., will qualify for School Access funds.

3.2. The School Building Authority will initially review the list of projects within the plan for compliance with the School Access Safety Act and based upon the availability of funding will annually review projects from within the plan for funding consideration.

3.3. School Access Safety Grant projects must be included in the county's School Access Safety Plan and must be a part of an approved comprehensive educational facilities plan (CEFP) or must be amended into the CEFP to be eligible for funding.

3.4. School Access Safety funding provided by the School Building Authority must be expended within one year. The School Building Authority may grant a six-month extension of funding, if it is determined by the Authority that extenuating circumstances prevented the county from expending the funds within the one-year period. Once expired by the School Building Authority, remaining funds shall be added to the total funds available to all counties in the School Access Safety Fund and distributed in future funding cycles.

3.5. A local contribution in an amount equal to or exceeding 15% of the funding available to the

county is required in order to secure School Access Safety funds. If a county board feels that it cannot fulfill the 15% local match as required, the county board of education may submit a financial hardship waiver request to the Department of Education for review and consideration. Once reviewed, the Department of Education will advise the School Building Authority of the disposition of the request prior to the award of funding.

**§164-7-4. Annual On-site Inspections of School Access Projects.**

4.1. Each county board that receives School Access Safety monies to fund a project from their approved School Access Safety Plan is required annually to conduct an on-site inspection and submit a review of completed School Access Safety Projects to the State Board. The inspection shall be conducted in accordance with the provision of the Department of Education's Handbook on Planning School Facilities. A copy of the completed project review must also be submitted as part of the county boards CEFPP annual update.