

**TITLE 126  
INTERPRETIVE RULE  
BOARD OF EDUCATION**

**SERIES 173  
POLICY GOVERNING RENOVATION AND  
CONSTRUCTION UNDER ESEA TITLE I (6250)**

**§126-173-1. General.**

1.1. Scope. -- This interpretive rule establishes guidelines for requests for construction and/or renovation in Title I project applications.

1.2. Authority. -- W. Va. Code §18-2-5

1.3. Filing Date. -- December 23, 1982

1.4. Effective Date. -- December 23, 1982

**§126-173-2. Necessity.**

2.1. The proposed construction must be shown to be necessary in order to implement the educational program proposed under Title I project applications. This policy statement supersedes previous policy statements dated June 10, 1966 and August 19, 1966.

**§126-173-3. Certification.**

3.1. The county superintendent shall certify that there are no existing board-owned facilities in or near the eligible school attendance area(s) which are accessible for the Title I project, and that no suitable facilities are available for rent.

**§126-173-4. Continuation.**

4.1. The superintendent shall certify that long-range plans of the county call for continuation of the eligible school(s) for which construction is requested. Additionally, the county must show a projected Title I purpose for the useful life of the building(s) or in the case of remodeling for a reasonable period of time.

**§126-173-5. Disapproval.**

5.1. Applications for construction will not be approved for counties which have Title I facilities not

being currently used for Title I programs.

**§126-173-6. Exclusively Used for Title I.**

6.1. Facilities constructed with Title I funds must be used exclusively for Title I programs. Since early childhood and special education programs will probably soon be funded by the State, approval for construction for these programs will be dependent upon documentation of a continuing Title I use.

**§126-173-7. Capital Outlay.**

7.1. Total capital outlay shall not exceed twenty percent (20%) of the total allocation.

**§126-173-8. Supporting Materials.**

8.1. Standards, policies and procedures for construction under Title I authorization shall conform to existing rules and regulations established by the West Virginia Board of Education. When a county requests construction under Title I, it shall furnish supporting materials as follows:

8.2. Plans and specifications shall be submitted to the Office of School Plant Planning for approval. Information must include type of construction or remodeling proposed and how it is to be done - by local maintenance force or by contract. For any amount included in the project for construction or remodeling which is let to a contractor, the county must comply with Federal wage rate determination. If the work is done by the local maintenance force, the county is not required to use wage rate determination. Wage rate determination is not required for purchase of relocatable units.

8.3. The county shall furnish Federal wage rate determination for construction, including remodeling before bids are advertised under Title I of the Ele-

mentary and Secondary Education Act. (Approximately forty-five (45) days are required to process the application and to provide the wage rates )

8.4. Competent professional assistance from registered architects and/or engineers must be utilized in planning construction and remodeling (West Virginia Code, Chapter 30, Article 13, Section 13).

**§126-173-9. Cost Approval.**

9.1. The approval of the project application obligates Title I funds only for the cost of construction or the approved budget, whichever is less.

**§126-173-10. Submission.**

10.1. Requests for approval of the use of Title I funds for construction are to be submitted to the Assistant Director of Federal Programs, ESEA Title I Branch, as part of the regular project application or by amendment thereto.