
Legislative and Legal Update

**West Virginia Association of School Business Officials
Fall Conference**

October 26, 2018

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Tom Percy – Bond Issues; Excess Levies; Lease Purchase
Marion Ray - Workers Compensation
Cam Siegrist – Bond Issues; Excess Levies; Lease Purchase
Ken Webb - Construction Issues and Litigation



Our Agenda

Significant recent

- grievance decisions
- Ethics Commission advisory opinions
- Open meetings advisory opinions
- West Virginia Board of Education Policy 5500 revision

Review of a few Legislative actions

A Word About This Presentation

- We speak in general terms today. The specific facts of each situation can make a difference in the legal principles that apply
- This presentation must not be treated as legal advice about any specific situation
- Due to the rapidly changing nature of the law, information in this presentation may become outdated
- When in doubt, don't act or rely upon the information contained in this presentation without seeking legal advice



*Before We Start –
Some School Law Resources To
Help You Keep Up-to-Date All
Year Long*


“School Laws of West Virginia”

- What color is your school law book?
- Current versions of the statutes are available at the West Virginia Legislature’s website
 - <http://www.legis.state.wv.us/WVCODE/Code.cfm>



THE BOWLES RICE EDUCATION LAW GROUP

eNewsletter

This education law newsletter is a publication of Bowles Rice LLP, Attorneys at Law  2017



eNewsletter Mailing List

- Send an email to Sarah Plantz:
 - splantz@bowlesrice.com
- Tell Sarah:
 - Who you are
 - Your position in public education
 - Your school board's name
 - That you want to receive the eNewsletter

*Recent Significant
Decisions of the Grievance
Board*

1.

*McPeake v. Raleigh County
Board of Education*

(professional selection)



2.

*Magers v. Marshall County Board
of Education*

(untimely filing of grievance)

4.

*Totten v. Mingo County Board of
Education*

(volunteer club sponsorship
assignments and
“functional demotion”)



5.

*Smith v. Wayne County Board of
Education*

(discipline, tie breaking
and notice of postings)

6.

*Evans v. Berkeley County Board
of Education*

(pay disparity vs. salary
determination)

7.

*Pritchard v. Putnam County
Board of Education*

(non-selection grievance
by non-employee)

8.

*Tribbie v. Mason County
Board of Education*

(warning/reprimand vs.
observation form)



9.

*Bright v. Marion County Board of
Education*

(state vs. county
competency testing)

10.

*Bishop v. Raleigh County Board
of Education*

(classification and duties)



11.

*Moffett v. Mason County
Board of Education*

(discrimination/favoritism and
uniformity of compensation)

12.

*Menas v. Marion County
Board of Education*

(professional substitutes, and
grievance remedies)

13.

*Wroblewski v. Wayne County
Board of Education*

(professional extracurricular
assignment selection)



Ethics Commission Advisory Opinions

1.

2018-01 (Jan. 4, 2018)

(fundraising and
charitable purpose)

2.

2018-02 (Mar. 1, 2018)

(staff lunches)

3.

2018-03 (Mar. 1, 2018)

(distance for
overnight lodging)

4.

2018-07 (Mar. 1, 2018)

(living on entity property)

BONUS!

2018-05 (Mar. 1, 2018)

**(Outreach teacher on School
Board)**



Open Meetings Advisory Opinions

1.

2018-01 (Mar. 1, 2018)

(board member
meetings with staff)



2.

2018-02 (Mar. 1, 2018)

(public vs private
disciplinary hearings)

West Virginia Board of Education

Policy 5500 (eff. Nov. 13, 2018)

(Step 7d)



Senate Bill 465

Relating to mandated reporting of child abuse and neglect

- Mandatory reporting time now 24, not 48 hours
- Mandatory reporting to DHHR/State police/law enforcement, not just causing report to be made

Senate Bill 561

Increasing minimum contract price requiring execution of bond with respect to building or repairing school property

- The requirement to execute a bond went from contract prices that exceeded \$100 to contract prices that exceed \$25,000, for a person contracting to build, or repair, school property.

House Bill 2546

Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned

- (1) property provided to employee for business use
- (2) value of property is more than \$100; and
- (3) employee signed agreement when property was provided (or, signed and ratified a written agreement).



House Bill 4424

Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials

- public servant volunteer is “any person who, without compensation, performs services on behalf of a public official and who is granted or vested with powers, privileges or authorities ordinarily reserved to public officials.”

Wrap up...

MORE GOOD QUESTIONS?



*Thank you for taking time to
improve your understanding of
the school laws*

*And thank you for all you do to improve
West Virginia's schools!*