
Ignorance of the Law is No Excuse!

WVASBO Spring Conference

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THE BOWLES RICE EDUCATION LAW GROUP
eNewsletter

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

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E-Newsletter Mailing List

- E-Newsletter 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 E-Newsletter



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- Due to the rapidly changing nature of the law, information in this presentation may become outdated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



**Highlights of Legislation
Enacted at the 2018
Regular Session Affecting
Public Education in West
Virginia**



New Legislation Affecting Business

Senate Bill 283
**Relating generally to procurement
by state agencies**
In effect June 8, 2018

Highlights p. 2



Senate Bill 461
**Extending time to file petition for
motor fuel excise tax refund**
In effect June 6, 2018

Highlights p. 3



Senate Bill 561

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

In effect June 3, 2018

Highlights p. 5



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

In effect May 15, 2018

Highlights p. 5



House Bill 3089
**Relating to the adoption of
instructional resources for use in
the public schools**
In effect June 7, 2018

Highlights p. 7



New Legislation Affecting Civil Actions

House Bill 2028
Relating to the venue for suits and
other actions against the state
In effect June 6, 2018

Highlights p. 5



House Bill 4242

Clarifying the jurisdictional amount
for removal of a civil action from
magistrate court to circuit court

In effect May 17, 2018

Highlights p. 15



New Legislation Affecting Personnel

Senate Bill 62
**Adjusting requirements for hiring
school attendance directors**
In effect May 15, 2018

Highlights p. 1



Senate Bill 506

Deregulating persons who perform
work on heating, ventilating and
cooling systems

In effect June 7, 2018

Highlights p. 4



House Bill 4006

Revising the processes through
which professional development is
delivered for those who provide
public education

In effect June 8, 2018

Highlights p. 9



House Bill 4145

Increasing the annual salaries of
members of the West Virginia State
Police, public school teachers and
school service personnel

In effect July 1, 2018

Highlights p. 13



New Legislation Affecting Safety

Senate Bill 244
**Specifying conditions for unlawful
possession of firearm at school
sponsored activities**
In effect June 8, 2018

Highlights p. 1



House Bill 4042
**Redefining school zone to facilitate
placement of school zone signs**
In effect June 7, 2018

Highlights p. 12



House Bill 4187
Business Liability Protection Act
In effect June 8, 2018

Highlights p. 14



New Legislation Affecting Safety

Senate Bill 465
**Relating to mandated reporting of
child abuse and neglect**
In effect June 5, 2018

Highlights p. 3



House Bill 2655
Defining and establishing the crime
of cyberbullying
In effect June 8, 2018

Highlights p. 6



House Bill 4336
**Updating the schedule of controlled
substances**
In effect June 7, 2018

Highlights p. 16



House Bill 4402
**Relating to the prevention of sexual
abuse of children**
In effect June 3, 2018

Highlights p. 16



New Legislation Affecting Students

Senate Bill 319

Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma

In effect July 1, 2018

Highlights p. 2



Senate Bill 364

Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle

In effect May 31, 2018

Highlights p. 3



House Bill 2799

Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit

In effect June 8, 2018

Highlights p. 7



House Bill 4183

Relating generally to standardized testing requirements for nonpublic schools

In effect June 6, 2018

Highlights p. 13



House Bill 4478
**Authorizing public schools to
distribute excess food to students**
In effect June 5, 2018

Highlights p. 18



Significant Recent Court Decisions

Handout, pages 20-21



2.

*Smith v. Mingo County
Commission*

No. 16-0417

(May 19, 2017)

Indemnification for Attorney Fees



5.

*West Virginia Board of Education v.
Board of Education of the County
of Nicholas*

No. 17-0767

(October 10, 2017)

CEFP Amendments



Significant Recent Grievance Board Decisions

Handout, pages 22-31



4.

*Townsend v. Kanawha County
Board of Education*

Docket No. 2016-1702-KanED
(May 22, 2017)

*School boards cannot appeal Level
One decisions*



13.

*Weaver v. Morgan County Board of
Education*

2015-1445-CONS
(July 26, 2017)

*“Cost” of physical exam does not
include mileage reimbursement*



20.

*Durstein v. Cabell County Board of
Education*

Docket No. 2017-1955-CabED
(September 22, 2017)

Employee “free speech”



25.

*Bradley v. Ohio County Board of
Education*

Docket No. 2017-1538-OhiED

(November 6, 2017)

Continuing damage from a past act



Significant Recent Ethics Commission Advisory Opinions

Handout, page 31



1.

No. 2017-15

(May 4, 2017)

Pecuniary Interest



Significant Recent Open Meetings Advisory Opinions

Handout, page 32



1.

No. 2018-02

(March 1, 2018)

Open or closed employee hearings



Thanks for inviting us to join you
today!
