

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 52

(By Mr. Mitchell)

PASSED March 10 1945

In Effect 90-days from Passage

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



52

**ENROLLED**  
**Senate Bill No. 52**  
(BY MR. MITCHELL)

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[Passed March 10, 1945; in effect ninety days from passage.]

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AN ACT to amend and reenact section thirteen, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter eight, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, by chapter sixty, acts of the Legislature, regular session, one thousand nine hundred thirty-five, and as last amended by chapter forty-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to the authority of county boards of education, and authorizing the furnishing, at public expense, of transportation of school children participating in athletic, literary and band activities.

*Be it enacted by the Legislature of West Virginia:*

That section thirteen, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter eight, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, as amended by chapter sixty, acts of the Legislature, regular session, one thousand nine hundred thirty-five, and as last amended by chapter forty-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted to read as follows:

Section 13. *General Control of Schools; Consolidation;*

2 *Transportation of Pupils.*—The boards, subject to the  
3 provisions of this chapter and the rules and regulations  
4 of the state board, shall have authority:

- 5 (1) To control and manage all of the schools and  
6 school interests of the county;
- 7 (2) To establish needed high schools;
- 8 (3) To close any school which is unnecessary and to  
9 assign the pupils thereof to other schools;
- 10 (4) To consolidate schools;
- 11 (5) To close any elementary school whose average

12 daily attendance falls below twenty pupils for two months  
13 in succession, and send the pupils to other schools in the  
14 district or to schools in adjoining districts. The com-  
15 pensation of teachers in schools so closed shall cease;

16 (6) To provide at public expense adequate means of  
17 transportation for all children of school age who live  
18 more than two miles distant from school by the nearest  
19 available road or path; and to provide at public expense  
20 and according to such regulations as the board may es-  
21 tablish, adequate means of transportation for school chil-  
22 dren participating in athletic, literary and band activities:  
23 *Provided*, That in all cases the buses or other transporta-  
24 tion facilities owned by the board of education shall be  
25 driven or operated only by drivers regularly employed by  
26 the board of education: *Provided further*, That buses shall  
27 be used for extra curricular activities as herein provided  
28 only when the insurance provided for by this section  
29 shall have been effected.

30 (7) To provide at public expense for insurance against  
31 the negligence of the drivers of school buses, trucks, or  
32 other vehicles operated by the board; and if the transpor-

33 tation of pupils be let out to contract, then the contract  
34 therefor shall provide that the contractor shall carry in-  
35 surance against negligence in such an amount as the  
36 board shall specify.

37 The board of any district shall expend under such regu-  
38 lations as it establishes for each child an amount not to  
39 exceed the proportion of all school funds of the district  
40 that each child would be entitled to receive if all the  
41 funds were distributed equally among all the children  
42 of school age in the district upon a per capita basis. No  
43 changes in textbooks except those provided by general  
44 law shall be made as a result of the passage of this act:  
45 *Provided, however,* That at least one year of instruction  
46 in the history of the state of West Virginia shall be given  
47 prior to the eighth grade.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C Morris  
Chairman Senate Committee

John G. England  
Chairman House Committee

Originated in the Senate

Takes effect 90-days from passage

Howard Hays  
Clerk of the Senate

J. Kliff  
Clerk of the House of Delegates

Arnold W. Tickers  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within Approved this the 14<sup>th</sup>  
day of March, 1945.

Robert M. Harney  
Governor.

Filed in the office of the Secretary of State  
of West Virginia

MAR 15 1945

Wm. S. O'BRIEN,  
Secretary of State

