

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 1073

(By Mr. LOUIS)



PASSED MARCH 11 1971

In Effect NINETY DAYS FROM Passage



1073

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House Bill No. 1073
(By MR. LOHR)

[Passed March 11, 1971; in effect ninety days from passage.]

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, relating to the powers and authority of county boards of education.

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, be amended and reenacted to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-13. Authority of boards generally.

1 The boards, subject to the provisions of this chapter
2 and the rules and regulations of the state board, shall
3 have authority:

4 (1) To control and manage all of the schools and
5 school interests for all school activities and upon all
6 school property, whether owned or leased by the county,
7 including the authority to require that records be kept
8 of all receipts and disbursements of all funds collected
9 or received by any principal, teacher, student or other
10 person in connection therewith, any programs, activities
11 or other endeavors of any nature operated or carried
12 on by or in the name of the school, or any organization
13 or body directly connected with the school, to audit such
14 records and to conserve such funds, which shall be
15 deemed quasi-public moneys, including securing surety
16 bonds by expenditure of board moneys;

17 (2) To establish schools, from preschool through high
18 school, inclusive of vocational schools; and to establish
19 schools and programs, or both, for post high school
20 instruction, subject to approval of the state board of
21 education;

22 (3) To close any school which is unnecessary and to
23 assign the pupils thereof to other schools: *Provided*, That
24 such closing shall be officially acted upon and teachers

25 and service personnel involved notified on or before the
26 first Monday in May, in the same manner as provided
27 in section four of this article, except in an emergency,
28 subject to the approval of the state superintendent, or
29 under subdivision (5) of this section;

30 (4) To consolidate schools;

31 (5) To close any elementary school whose average
32 daily attendance falls below twenty pupils for two months
33 in succession, and send the pupils to other schools in the
34 district or to schools in adjoining districts. If the teachers
35 in the schools so closed are not transferred or reassigned
36 to other schools, they shall receive one month's salary;

37 (6) To provide at public expense adequate means of
38 transportation for all children of school age who live
39 more than two miles distant from school by the nearest
40 available road and to provide at public expense and ac-
41 cording to such regulations as the board may establish,
42 adequate means of transportation for school children
43 participating in board-approved curricular and extra-
44 curricular activities; and provide in addition thereto,
45 by rules and regulations and within the available reve-

46 nues, transportation for those within two miles distance:
47 *Provided*, That in all cases the buses or other transpor-
48 tation facilities owned by the board of education shall
49 be driven or operated only by drivers regularly employed
50 by the board of education: *Provided, however*, That
51 buses shall be used for extracurricular activities as herein
52 provided only when the insurance provided for by this
53 section shall have been effected;

54 (7) To provide at public expense for insurance against
55 the negligence of the drivers of school buses, trucks or
56 other vehicles operated by the board; and if the trans-
57 portation of pupils be let out to contract, then the con-
58 tract therefor shall provide that the contractor shall
59 carry insurance against negligence in such an amount
60 as the board shall specify;

61 (8) To employ and to provide in-service training for
62 teacher aides, the training to be in accordance with rules
63 and regulations of the state board;

64 (9) To establish and conduct a self-supporting dormi-
65 tory for the accommodation of the pupils attending a

66 high school or participating in a post high school program
67 and of persons employed to teach therein;

68 (10) To employ legal counsel;

69 (11) The board shall be authorized to provide at
70 public expense, adequate public liability insurance;

71 (12) No policy or contract of public liability insurance
72 providing coverage for public liability shall be purchased
73 as provided herein, unless it shall contain a provision or
74 endorsement whereby the company issuing such policy
75 waives, or agrees not to assert as a defense to any claim
76 covered by the terms of such policy, the defense of
77 governmental immunity. In any action against the board,
78 its officers, agents or employees, in which there is in
79 effect liability insurance coverage in an amount equal
80 to or greater than the amount sued for, the attorney for
81 such board, the attorney for such insurance carrier, or
82 any other attorney who may appear on behalf of the
83 board, its agents, officers or employees shall not set up
84 the defense of governmental immunity in any such action.

85 "Quasi-public funds" as used herein are defined as any
86 money received by any principal, teacher, student or

87 other person for the benefit of the school system as a
88 result of curricular or noncurricular activities.

89 The board of any district shall expend ^(under) such regulations
90 as it establishes for each child an amount not to exceed
91 the proportion of all school funds of the district that
92 each child would be entitled to receive if all the funds
93 were distributed equally among all the children of school
94 age in the district upon a per capita basis.

Handwritten notes:
2/2/2010
2/2/2010
2/2/2010

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

Samuel H. Bean
Chairman Senate Committee

Phyllis R. Rutledge
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Meyer
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

G. B. Sproull
President of the Senate

Lewis N. McManus
Speaker House of Delegates

The within *approved* this the *31st*
day of *March*, 1971.

Arch A. Shouse, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/16/71

Time 1:25 p.m.