

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

SENATE BILL NO. 118

(By Mr. McKOWN and Mr. HUBBARD)

PASSED FEBRUARY 8 1972

In Effect 90 DAYS FROM Passage



118

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 2-15-72

ENROLLED

Senate Bill No. 118

(By MR. McKOWN and MR. HUBBARD)

[Passed February 8, 1972; 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 providing transportation across county lines to children of school age.

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 school
5 interests for all school activities and upon all school prop-
6 erty, whether owned or leased by the county, including
7 the authority to require that records be kept of all re-
8 cepts and disbursements of all funds collected or re-
9 ceived by any principal, teacher, student or other person
10 in connection therewith, any programs, activities or other
11 endeavors of any nature operated or carried on by or in
12 the name of the school, or any organization or body di-
13 rectly connected with the school, to audit such records
14 and to conserve such funds, which shall be deemed quasi-
15 public moneys, including securing surety bonds by ex-
16 penditure 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 in-
20 struction, subject to approval of the state board of educa-
21 tion;

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 in
27 section four of this article, except in an emergency,
28 subject to the approval of the state superintendent, or
29 under subdivision (5);

30 (4) To consolidate schools;

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

38 (6) (a) To provide at public expense adequate means
39 of transportation, including transportation across county
40 lines, for all children of school age who live more than
41 two miles distance from school by the nearest available
42 road and to provide at public expense and according to
43 such regulations as the board may establish, adequate

44 means of transportation for school children participating
45 in board-approved curricular and extracurricular activ-
46 ities; and provide in addition thereto, by rules and regula-
47 tions and within the available revenues, transportation
48 for those within two miles distance: *Provided*, That in
49 all cases the buses or other transportation facilities owned
50 by the board of education shall be driven or operated
51 only by drivers regularly employed by the board of
52 education: *Provided, however*, That buses shall be used
53 for extracurricular activities as herein provided only
54 when the insurance provided for by this section shall have
55 been effected;

56 (b) To enter into agreements with one another to pro-
57 vide, on a cooperative basis, adequate means of trans-
58 portation across county lines for children of school age
59 subject to the conditions and restrictions of subdivisions
60 (6) and (7) of this section;

61 (7) To provide at public expense for insurance against
62 the negligence of the drivers of school buses, trucks or
63 other vehicles operated by the board; and if the trans-
64 portation of pupils be let out to contract, then the contract

65 therefor shall provide that the contractor shall carry
66 insurance against negligence in such an amount as the
67 board shall specify;

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

71 (9) To establish and conduct a self-supporting dormi-
72 tory for the accommodation of the pupils attending a
73 high school or participating in a post high school pro-
74 gram and of persons employed to teach therein;

75 (10) To employ legal counsel;

76 (11) To provide, at public expense, adequate public
77 liability insurance;

78 (12) No policy or contract of public liability insurance
79 providing coverage for public liability shall be purchased
80 as provided herein, unless it shall contain a provision or
81 endorsement whereby the company issuing such policy
82 waives, or agrees not to assert as a defense to any claim
83 covered by the terms of such policy, the defense of gov-
84 ernmental immunity. In any action against the board,
85 its officers, agents or employees, in which there is in

86 effect liability insurance coverage in an amount equal to
87 or greater than the amount sued for, the attorney for
88 such board, the attorney for such insurance carrier, or
89 any other attorney who may appear on behalf of the
90 board, its agents, officers or employees shall not set up
91 the defense of governmental immunity in any such action.

92 "Quasi-public funds" as used herein are defined as any
93 money received by any principal, teacher, student or
94 other person for the benefit of the school system as a
95 result of curricular or noncurricular activities.

96 The board of any district shall expend under such
97 regulations as it establishes for each child an amount
98 not to exceed the proportion of all school funds of the
99 district that each child would be entitled to receive if all
100 the funds were distributed equally among all the children
101 of school age in the district upon a per capita basis.

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

Russell M. Beane
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Howard E. Carson
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Christie
President of the Senate

Lewis N. M. Payne
Speaker House of Delegates

The within *approved* this the *14th*
day of *February*, 1972.

Nick A. Spence Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 2/11/72

Time 10:24 a.m.