WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

ENROLLED
SENATE BILL NO. 42

(By Mr. W. W. Lemons and M. L. Leonard)

PASSED March 5, 1974

In Effect from Passage

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 3-18-74
ENROLLED

Senate Bill No. 42
(By Mr. Neeley and Mrs. Leonard)

[Passed March 5, 1974; in effect 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 authority of county boards of education to provide transportation for participants in projects operated, financed, sponsored or approved by the state commission on aging.

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.


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

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

(2) To establish schools, from preschool through high
school, inclusive of vocational schools; and to establish
schools and programs, or both, for post high school in-
struction, subject to approval of the state board of edu-
cation;

(3) To close any school which is unnecessary and to
assign the pupils thereof to other schools: Provided, That
such closing shall be officially acted upon and teachers
and service personnel involved notified on or before the
first Monday in May, in the same manner as provided in
section four of this article, except in an emergency,
subject to the approval of the state superintendent, or
under subdivision (5) of this section;

(4) To consolidate schools;

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

(6) (a) To provide at public expense adequate means
of transportation, including transportation across county
lines, for all children of school age who live more than
two miles distance from school by the nearest available
road and to provide at public expense and according to
such regulations as the board may establish, adequate
means of transportation for school children participating
in board-approved curricular and extracurricular activ-
ities; and to provide in addition thereto, at public ex-
 pense, by rules and regulations and within the available
revenues, transportation for those within two miles dis-
tance; and to provide in addition thereto, at no cost
to the board and according to rules and regulations
established by the board, transportation for partici-
pants in projects operated, financed, sponsored or ap-
proved by the commission on aging: Provided, That all
costs and expenses incident in any way to transportation
for projects connected with the commission on aging shall
be borne by such commission, or the local or county chap-
ter thereof: Provided further, That in all cases the buses
or other transportation facilities owned by the board of
education shall be driven or operated only by drivers regu-
larly employed by the board of education: Provided, how-
ever, That buses shall be used for extracurricular activ-
ities as herein provided only when the insurance provided
for by this section shall have been effected;

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

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

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

(9) To establish and conduct a self-supporting dorm-
itory for the accommodation of the pupils attending a
high school or participating in a post high school program
and of persons employed to teach therein;

(10) To employ legal counsel;

(11) To provide, at public expense, adequate public
liability insurance, including professional liability in-
surance for board employees.

No policy or contract of public liability insurance pro-
viding coverage for public liability shall be purchased
as provided herein, unless it shall contain a provision or
endorsement whereby the company issuing such policy
waives, or agrees not to assert as a defense to any
claim covered by the terms of such policy, the defense of governmental immunity. In any action against the board, its officers, agents or employees, in which there is in effect liability insurance coverage in an amount equal to or greater than the amount sued for, the attorney for such board, the attorney for such insurance carrier, or any other attorney who may appear on behalf of the board, its agents, officers or employees shall not set up the defense of governmental immunity in any such action.

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

The board of each county shall expend under such regulations as it establishes for each child an amount not to exceed the proportion of all school funds of the district that each child would be entitled to receive if all the funds were distributed equally among all the children 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.

H. Darrel Orsby  
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Howard W. Carson  
Clerk of the Senate

Clerk of the House of Delegates

J.T. Brotherton  
President of the Senate

Speaker House of Delegates

The within approved this the 18th day of March, 1974.

Andy Barnes, Jr.  
Governor
PRESENTED TO THE GOVERNOR

Date 3/8/14
Time 11:47 a.m.