

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974



ENROLLED

SENATE BILL NO. 42

(By Mr. Neelley and Mrs. Leonard)



PASSED March 5, 1974

In Effect from Passage



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

42

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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.

§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 have
3 authority:

4 (1) To control and manage all of the schools and
5 school interests for all school activities and upon all school
6 property, whether owned or leased by the county, in-
7 cluding the authority to require that records be kept of
8 all receipts and disbursements of all funds collected or
9 received by any principal, teacher, student or other per-
10 son in connection therewith, any programs, activities or
11 other endeavors of any nature operated or carried on by
12 or in the name of the school, or any organization or body
13 directly 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 edu-
21 cation;

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) 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 school so closed are not transferred or reassigned to
36 other schools, they shall receive one month's salary;

37 (6) (a) To provide at public expense adequate means
38 of transportation, including transportation across county
39 lines, for all children of school age who live more than
40 two miles distance from school by the nearest available
41 road and to provide at public expense and according to
42 such regulations as the board may establish, adequate
43 means of transportation for school children participating
44 in board-approved curricular and extracurricular activ-
45 ities; and to provide in addition thereto, at public ex-
46 pense, by rules and regulations and within the available
47 revenues, transportation for those within two miles dis-
48 tance; and to provide in addition thereto, at no cost
49 to the board and according to rules and regulations
50 established by the board, transportation for partici-
51 pants in projects operated, financed, sponsored or ap-
52 proved by the commission on aging: *Provided*, That all

53 costs and expenses incident in any way to transportation
54 for projects connected with the commission on aging shall
55 be borne by such commission, or the local or county chap-
56 ter thereof: *Provided further*, That in all cases the buses
57 or other transportation facilities owned by the board of
58 education shall be driven or operated only by drivers regu-
59 larly employed by the board of education: *Provided, how-*
60 *ever*, That buses shall be used for extracurricular activ-
61 ities as herein provided only when the insurance provided
62 for by this section shall have been effected;

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

67 (6) and (7) of this section;

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

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

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

82 (10) To employ legal counsel;

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

86 No policy or contract of public liability insurance pro-
87 viding coverage for public liability shall be purchased
88 as provided herein, unless it shall contain a provision or
89 endorsement whereby the company issuing such policy
90 waives, or agrees not to assert as a defense to any

91 claim covered by the terms of such policy, the de-
92 fense of governmental immunity. In any action against
93 the board, its officers, agents or employees, in which
94 there is in effect liability insurance coverage in an
95 amount equal to or greater than the amount sued
96 for, the attorney for such board, the attorney for such
97 insurance carrier, or any other attorney who may ap-
98 pear on behalf of the board, its agents, officers or
99 employees shall not set up the defense of govern-
100 mental immunity in any such action.

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

105 The board of each county shall expend under such
106 regulations as it establishes for each child an amount not
107 to exceed the proportion of all school funds of the district
108 that each child would be entitled to receive if all the funds
109 were distributed equally among all the children of
110 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 Derby
Chairman Senate Committee

James C. Thurston
Chairman House Committee

Originated in the Senate.

In effect from passage.

Howard W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. P. Brotherton, Jr.
President of the Senate

Lewis N. M. Mans
Speaker House of Delegates

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

Arwa. Pharr, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/8/14

Time 11:47 a.m.