

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-8-80

Time 9:50 a.m.

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1980**



**ENROLLED**

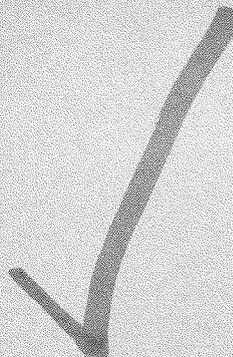
**SENATE BILL NO. 89**

(By Mr. Boettner)



PASSED February 27 1980

In Effect ninty days from Passage



Mo: 89

**ENROLLED**  
**Senate Bill No. 89**  
**(By MR. BOETTNER)**

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[Passed February 27, 1980; 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, relating to the authorization of county boards of education to provide uniforms for employees; and relating to the authorization of county boards of education to provide group insurance for employees.

*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
- 6 property, whether owned or leased by the county, includ-
- 7 ing the authority to require that records be kept of all
- 8 receipts 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
- 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  
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 and  
25 service personnel involved notified on or before the first  
26 Monday in May, in the same manner as provided in section  
27 four of this article, except in an emergency, subject to the  
28 approval of the state superintendent, or under subdivision  
29 (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 two  
40 miles distance from school by the nearest available road;  
41 to provide at public expense and according to such  
42 regulations as the board may establish, adequate means of  
43 transportation for school children participating in board-  
44 approved curricular and extracurricular activities; and to  
45 provide in addition thereto, at public expense, by rules  
46 and regulations and within the available revenues, trans-  
47 portation for those within two miles distance; to provide  
48 in addition thereto, at no cost to the board and according  
49 to rules and regulations established by the board, trans-  
50 portation for participants in projects operated, financed,  
51 sponsored or approved by the commission on aging:  
52 *Provided*, That all costs and expenses incident in any way  
53 to transportation for projects connected with the commis-  
54 sion on aging shall be borne by such commission, or the  
55 local or county chapter thereof: *Provided further*, That  
56 in all cases the buses or other transportation facilities

57 owned by the board of education shall be driven or oper-  
58 ated only by drivers regularly employed by the board of  
59 education: *Provided, however,* That buses shall be used  
60 for extracurricular activities as herein provided only  
61 when the insurance provided for by this section shall have  
62 been effected;

63 (b) To enter into agreements with one another to  
64 provide, 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 contracted, then the contract there-  
72 for shall provide that the contractor shall carry insurance  
73 against negligence in such an amount as the board shall  
74 specify;

75 (8) To provide solely from county funds for all regu-  
76 lar full time employees of the board all or any part of  
77 the cost of a group plan or plans of insurance coverage  
78 not provided or available under the West Virginia Public  
79 Employees Insurance Act.

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

83 (10) To establish and conduct a self-supporting dor-  
84 mitory for the accommodation of the pupils attending a  
85 high school or participating in a post high school program  
86 and of persons employed to teach therein;

87 (11) To employ legal counsel;

88 (12) To provide appropriate uniforms for school  
89 service personnel;

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

93 No policy or contract of public liability insurance pro-  
94 viding coverage for public liability shall be purchased  
95 as provided herein, unless it shall contain a provision or

96 endorsement whereby the company issuing such policy  
97 waives, or agrees not to assert as a defense to any claim  
98 covered by the terms of such policy, the defense of gov-  
99 ernmental immunity. In any action against the board, its  
100 officers, agents or employees, in which there is in effect  
101 liability insurance coverage in an amount equal to or  
102 greater than the amount sued for, the attorney for such  
103 board, the attorney for such insurance carrier, or any  
104 other attorney who may appear on behalf of the board, its  
105 agents, officers or employees shall not set up the defense  
106 of governmental immunity in any such action.

107 "Quasi-public funds" as used herein means any money  
108 received by any principal, teacher, student or other person  
109 for the benefit of the school system as a result of curric-  
110 ular or noncurricular activities.

111 The board of each county shall expend under such  
112 regulations as it establishes for each child an amount not  
113 to exceed the proportion of all school funds of the district  
114 that each child would be entitled to receive if all the  
115 funds were distributed equally among all the children of  
116 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.

James L. Davis  
Chairman Senate Committee

Clarence C. Christian Jr.  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Irdd C. Willis  
Clerk of the Senate

V. A. Blankenship  
Clerk of the House of Delegates

D. O. B. [Signature]  
President of the Senate

Clide N. Lee Jr.  
Speaker House of Delegates

The within is approved this the 8  
day of March, 1980.

John D. Ralston  
Governor



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OFFICE OF THE GOVERNOR

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GOV. OF STATE