WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980

ENROLLED
SENATE BILL NO. 89

(By Mr. Boothy)

PASSED February 27, 1980

In Effect ninety days from Passage
ENROLLED

Senate Bill No. 89
(By MR. BOETTNER)

[Passed February 27, 1980; 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 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.


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

4 (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 expenditure 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 instruction, subject to approval of the state board of education;

(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; 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 activities; and to provide in addition thereto, at public expense, by rules and regulations and within the available revenues, transportation for those within two miles distance; to provide in addition thereto, at no cost to the board and according to rules and regulations established by the board, transportation for participants in projects operated, financed, sponsored or approved 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 chapter 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 regularly employed by the board of education: Provided, however, That buses shall be used for extracurricular activities 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 provide, on a cooperative basis, adequate means of transportation 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 transportation of pupils be contracted, then the contract therefor shall provide that the contractor shall carry insurance against negligence in such an amount as the board shall specify;

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

(9) 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;

(10) To establish and conduct a self-supporting dormitory 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;

(11) To employ legal counsel;

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

(13) To provide, at public expense, adequate public liability insurance, including professional liability insurance for board employees.

No policy or contract of public liability insurance providing 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 gov-
ernmental 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 means any money
received by any principal, teacher, student or other person
for the benefit of the school system as a result of curric-
ular 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.

James L. Davis  
Chairman Senate Committee

Cornelius C. Christian, Jr.  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

John C. Williams  
Clerk of the Senate

O. K. Linkenholt  
Clerk of the House of Delegates

D. C. Biddle  
President of the Senate

W. M. M. Poppen  
Speaker House of Delegates

The within is approved this the 8

day of March, 1980.  

John R. Robinson  
Governor