

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-15-83

No: 1760

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



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ENROLLED

Com. Sub. for
HOUSE BILL No. 1760

(By Mr. Mullett)



Passed March 3, 1983

In Effect From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1760

(By MR. MULLETT)

(Originating in the House Committee on Education)

[Passed March 3, 1983; 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 authorizing county boards of education to lease school buses and provide drivers to public and private nonprofit organizations or private corporations to transport school-age children to and from camps or educational activities and requiring that lessee bear all costs and expenses of transportation.

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 and
2 the rules and regulations of the state board, shall have
3 authority:

4 (1) To control and manage all of the schools and school
5 interests for all school activities and upon all school property,

6 whether owned or leased by the county, including the author-
7 ity to require that records be kept of all receipts and disburse-
8 ments of all funds collected or received by any principal,
9 teacher, student or other person in connection therewith, any
10 programs, activities or other endeavors of any nature operated
11 or carried on by or in the name of the school, or any organi-
12 zation or body directly connected with the school, to audit such
13 records and to conserve such funds, which shall be deemed
14 quasi-public moneys, including securing surety bonds by ex-
15 penditure of board moneys;

16 (2) To establish schools, from preschool through high
17 school, inclusive of vocational schools; and to establish schools
18 and programs, or both, for post high school instruction, sub-
19 ject to approval of the state board of education;

20 (3) To close any school which is unnecessary and to assign
21 the pupils thereof to other schools: *Provided*, That such clos-
22 ing shall be officially acted upon and teachers and service per-
23 sonnel involved notified on or before the first Monday in May,
24 in the same manner as provided in section four of this article,
25 except in an emergency, subject to the approval of the state
26 superintendent, or under subdivision (5) of this section;

27 (4) To consolidate schools;

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

34 (6) (a) To provide at public expense adequate means of
35 transportation, including transportation across county lines,
36 for all children of school age who live more than two miles
37 distance from school by the nearest available road; to provide
38 at public expense and according to such regulations as the
39 board may establish, adequate means of transportation for
40 school children participating in board-approved curricular and
41 extracurricular activities; and to provide in addition thereto, at
42 public expense, by rules and regulations and within the avail-

43 able revenues, transportation for those within two miles dis-
44 tance; to provide in addition thereto, at no cost to the board and
45 according to rules and regulations established by the board,
46 transportation for participants in projects operated, financed,
47 sponsored or approved by the commission on aging: *Provided*,
48 That all costs and expenses incident in any way to transporta-
49 tion for projects connected with the commission on aging shall
50 be borne by such commission, or the local or county chapter
51 thereof: *Provided, however*, That in all cases the buses or
52 other transportation facilities owned by the board of educa-
53 tion shall be driven or operated only by drivers regularly em-
54 ployed by the board of education: *Provided further*, That buses
55 shall be used for extracurricular activities as herein provided
56 only when the insurance provided for by this section shall have
57 been effected;

58 (b) To enter into agreements with one another to provide,
59 on a cooperative basis, adequate means of transportation across
60 county lines for children of school age subject to the conditions
61 and restrictions of subdivisions (6) and (8) of this section;

62 (7) To lease school buses operated only by drivers regularly
63 employed by the board to public and private non-profit or-
64 ganizations or private corporations to transport school-age
65 children to and from camps or educational activities in ac-
66 cordance with rules and regulations established by the board.
67 All costs and expenses incurred by or incidental to the trans-
68 portation of such children shall be borne by the lessee;

69 (8) To provide at public expense for insurance against the
70 negligence of the drivers of school buses, trucks or other
71 vehicles operated by the board; and if the transportation of
72 pupils be contracted, then the contract therefor shall provide
73 that the contractor shall carry insurance against negligence
74 in such an amount as the board shall specify;

75 (9) To provide solely from county funds for all regular full-
76 time employees of the board all or any part of the cost of a
77 group plan or plans of insurance coverage not provided or
78 available under the West Virginia public employees insur-
79 ance act;

80 (10) To employ and to provide in-service training for

81 teacher aides, the training to be in accordance with rules and
82 regulations of the state board;

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

87 (12) To employ legal counsel;

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

90 (14) To provide at public expense and under regulations as
91 established by any county board of education for the payment
92 of traveling expenses incurred by any person invited to appear
93 to be interviewed concerning possible employment by such
94 county board of education;

95 (15) To allow or disallow their designated employees to
96 use publicly provided carriage to travel from their residences
97 to their workplace and return: *Provided*, That such usage is
98 subject to the supervision of such board and is directly con-
99 nected with and required by the nature and in the performance
100 of such employee's duties and responsibilities; and

101 (16) To provide, at public expense, adequate public lia-
102 bility insurance, including professional liability insurance for
103 board employees.

104 No policy or contract of public liability insurance provid-
105 ing coverage for public liability shall be purchased as pro-
106 vided herein, unless it shall contain a provision or endorsement
107 whereby the company issuing such policy waives, or agrees
108 not to assert as a defense to any claim covered by the terms
109 of such policy, the defense of governmental immunity. In any
110 action against the board, its officers, agents or employees, in
111 which there is in effect liability insurance coverage in an
112 amount equal to or greater than the amount sued for, the at-
113 torney for such board, the attorney for such insurance carrier,
114 or any other attorney who may appear on behalf of the board,
115 its agents, officers or employees shall not set up the defense
116 of governmental immunity in any such action.

117 "Quasi-public funds" as used herein means any money re-
118 ceived by any principal, teacher, student or other person for
119 the benefit of the school system as a result of curricular or
120 noncurricular activities.

121 The board of each county shall expend under such regula-
122 tions as it establishes for each child an amount not to exceed
123 the proportion of all school funds of the district that each child
124 would be entitled to receive if all the funds were distributed
125 equally among all the children of school age in the district
126 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

Arnold Green

Chairman House Committee

Originating in the House.

Takes effect from passage.

Jedd C. Hult

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Walter P. McAtee

President of the Senate

W. H. Lee, Jr.

Speaker House of Delegates

The within *is approved* this the *15*
day of *March*, 1983.

Paul Dwyer

Governor

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