WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED

Com. Sub. for
HOUSE BILL No. 1025

(By Mr. Deal Bruntz)

Passed April 9, 1985

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; and to amend and reenact section two, article twenty of said chapter, all relating to teacher aides employed to assist in teaching exceptional children; requiring such aides to complete a course of training in education of exceptional children prior to assuming such duties; requiring the training to occur during normal working hours; and providing that opportunity for such training be provided by county boards prior to filling of vacancies in accordance with rules and regulations of the state board of education.

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; and that section two, article twenty of said chapter be amended and reenacted, all to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.


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

(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 April, 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, however, 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
further, 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 (8) of this
section;

(7) To lease school buses operated only by drivers regularly
employed by the board to public and private nonprofit
organizations or private corporations to transport school-age
children to and from camps or educational activities in
accordance with rules and regulations established by the
board. All costs and expenses incurred by or incidental to the
transportation of such children shall be borne by the lessee;

(8) 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;

(9) 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;

(10) To employ teacher aides, to provide in-service training
for teacher aides, the training to be in accordance with rules and regulations of the state board and, in the case of service personnel assuming duties as teacher aides in exceptional children's programs, to provide a four-clock-hour program of training prior to such assignment which shall, in accordance with rules and regulations of the state board, consist of training in areas specifically related to the education of exceptional children;

(11) 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;

(12) To employ legal counsel;

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

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

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

(16) 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 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 means 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.

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-2. Providing suitable educational facilities, equipment and
services.

The board of education of each county is empowered and
is responsible for providing suitable educational facilities,
special equipment and such special services as may be
necessary. Special services include provisions and procedures
for finding and enumerating exceptional children of each type,
diagnosis by appropriate specialists who will certify the child's
need and eligibility for special education and make recommendations for such treatment and prosthesis as may alleviate his
disability, special teaching by qualified and especially trained
teachers, transportation, lunches and remedical therapeutic
services. Qualifications of teachers and therapists shall be in
accordance with standards prescribed or approved by the state
board of education.

Counties may provide for educating their resident exceptional children by contracting with other counties or other
educational agencies which maintain such special education
facilities. Fiscal matters will follow policies approved by the
state board of education.

Any teacher aide employed to assist teachers in providing
services to exceptional children under this article shall, prior
to assuming such duties, complete a four-clock-hour course of
training in areas specifically related to the education of

23 exceptional children, to be provided by the county in
24 accordance with rules and regulations of the state board of
25 education. Such training shall occur during normal working
26 hours and an opportunity to be trained shall be provided such
27 employee prior to the filling of a vacancy in accordance with
28 the provisions of section eight-b, article four, chapter eighteen-
29 a of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within ______________________ this the 1st day of ______________________, 1985.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/14/85
Time 6:48 p.m.