

No: 2960

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



ENROLLED

Com. Sub. for
HOUSE BILL No. 2960

(By Delegate *Mr. Speaker, Mr. Chambers*)



Passed *March 14,* 1987

In Effect *Ninety Days from* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2960

(By MR. SPEAKER, MR. CHAMBERS)

[Passed March 14, 1987; 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 authority of county boards of education; permitting certain vehicles to be driven by certified professional employees under state board rule; and providing limitations thereto.

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,
 - 7 including the authority to require that records be kept
 - 8 of all receipts and disbursements of all funds collected

9 or received by any principal, teacher, student or other
10 person in connection therewith, any programs, activities
11 or other endeavors of any nature operated or carried on
12 by or in the name of the school, or any organization or
13 body directly connected with the school, to audit such
14 records and to conserve such funds, which shall be
15 deemed quasi-public moneys, including securing surety
16 bonds by expenditure 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
20 instruction, 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
25 and service personnel involved notified on or before the
26 first Monday in April, in the same manner as provided
27 in 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
33 months in succession and send the pupils to other schools
34 in the district or to schools in adjoining districts. If the
35 teachers in the school so closed are not transferred or
36 reassigned to other schools, they shall receive one
37 month's salary;

38 (6) (a) To provide at public expense adequate means
39 of transportation, including transportation across county
40 lines, for all children of school age who live more than
41 two miles distance from school by the nearest available
42 road; to provide at public expense and according to such
43 regulations as the board may establish, adequate means
44 of transportation for school children participating in
45 board-approved curricular and extracurricular activi-
46 ties; and to provide in addition thereto, at public
47 expense, by rules and regulations and within the
48 available revenues, transportation for those within two

49 miles distance; to provide in addition thereto, at no cost
50 to the board and according to rules and regulations
51 established by the board, transportation for participants
52 in projects operated, financed, sponsored or approved by
53 the commission on aging: *Provided*, That all costs and
54 expenses incident in any way to transportation for
55 projects connected with the commission on aging shall
56 be borne by such commission, or the local or county
57 chapter thereof: *Provided, however*, That in all cases the
58 school buses owned by the board of education shall be
59 driven or operated only by drivers regularly employed
60 by the board of education: *Provided further*, That the
61 county board may provide, under rules established by
62 the state board, for the certification of professional
63 employees as drivers of board-owned vehicles with a
64 seating capacity of less than ten passengers used for the
65 transportation of pupils for school-sponsored activities
66 other than transporting students between school and
67 home: *And provided further*, That the use of such
68 vehicles shall be limited to one for each school-sponsored
69 activity: *And provided further*, That buses shall be used
70 for extracurricular activities as herein provided only
71 when the insurance provided for by this section shall
72 have been effected;

73 (b) To enter into agreements with one another to
74 provide, on a cooperative basis, adequate means of
75 transportation across county lines for children of school
76 age subject to the conditions and restrictions of subdi-
77 visions (6) and (8) of this section;

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

86 (8) To provide at public expense for insurance against
87 the negligence of the drivers of school buses, trucks or
88 other vehicles operated by the board; and if the
89 transportation of pupils be contracted, then the contract

90 therefor shall provide that the contractor shall carry
91 insurance against negligence in such an amount as the
92 board shall specify;

93 (9) To provide solely from county funds for all regular
94 full-time employees of the board all or any part of the
95 cost of a group plan or plans of insurance coverage not
96 provided or available under the West Virginia public
97 employees insurance act;

98 (10) To employ teacher aides, to provide in-service
99 training for teacher aides, the training to be in
100 accordance with rules and regulations of the state board
101 and, in the case of service personnel assuming duties as
102 teacher aides in exceptional childrens programs, to
103 provide a four-clock-hour program of training prior to
104 such assignment which shall, in accordance with rules
105 and regulations of the state board, consist of training in
106 areas specifically related to the education of exceptional
107 children;

108 (11) To establish and conduct a self-supporting
109 dormitory for the accommodation of the pupils attend-
110 ing a high school or participating in a post high school
111 program and of persons employed to teach therein;

112 (12) To employ legal counsel;

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

115 (14) To provide at public expense and under regula-
116 tions as established by any county board of education for
117 the payment of traveling expenses incurred by any
118 person invited to appear to be interviewed concerning
119 possible employment by such county board of education;

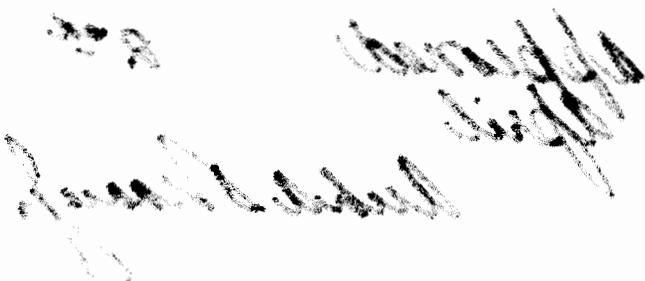
120 (15) To allow or disallow their designated employees
121 to use publicly provided carriage to travel from their
122 residences to their workplace and return: *Provided,*
123 That such usage is subject to the supervision of such
124 board and is directly connected with and required by
125 the nature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

127 (16) To provide, at public expense, adequate public

128 liability insurance, including professional liability
129 insurance for board employees.

130 "Quasi-public funds" as used herein means any money
131 received by any principal, teacher, student or other
132 person for the benefit of the school system as a result
133 of curricular or noncurricular activities.

134 The board of each county shall expend under such
135 regulations as it establishes for each child an amount not
136 to exceed the proportion of all school funds of the district
137 that each child would be entitled to receive if all the
138 funds were distributed equally among all the children
139 of school age in the district upon a per capita basis.

The bottom of the page contains several handwritten signatures and scribbles in dark ink. The signatures are somewhat illegible but appear to be written in a cursive style. There are also some dark, irregular marks that look like ink smudges or additional scribbles.

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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams

Chairman Senate Committee

Lyle Sattes

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Millh

Clerk of the Senate

Donald G. Hoop

Clerk of the House of Delegates

Don Toukemonil

President of the Senate

Robert Clark

Speaker of the House of Delegates

The within *approved* this the *2nd*
day of *April*, 1987.

Richard Shaver

Governor

PRESENTED TO THE

GOVERNOR

Date 3/27/87

Time 2:44 p.m.