WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987

--- • ---

ENROLLED
Comm. Sub. for
HOUSE BILL No. 2962

(By Delegate Ms. Speaker, Mr. Chamber)

--- • ---

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.


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

2. (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 activi-
ties; 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
school buses owned by the board of education shall be
driven or operated only by drivers regularly employed
by the board of education: Provided further, That the
county board may provide, under rules established by
the state board, for the certification of professional
employees as drivers of board-owned vehicles with a
seating capacity of less than ten passengers used for the
transportation of pupils for school-sponsored activities
other than transporting students between school and
home: And provided further, That the use of such
vehicles shall be limited to one for each school-sponsored
activity: And 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 subdi-
visions (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.

"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.
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 8th day of April, 1987.

Governor