WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1991

ENROLLED

SENATE BILL NO. 468

(By Senators Wagner and Withers)

PASSED March 7, 1991
In Effect from Passage
ENROLLED
Senate Bill No. 468

(BY SENATORS WAGNER AND WITHERS)

[Passed March 7, 1991; in effect from passage.]

AN ACT to amend and reenact section ten, article four, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to clarifying and limiting the emergency powers of the county superintendent of schools.

Be it enacted by the Legislature of West Virginia:

That section ten, article four, 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 4. COUNTY SUPERINTENDENT OF SCHOOLS.

§18-4-10. Duties.

1 The county superintendent shall:

2 (1) Act as the chief executive officer of the board, and execute under the direction of the state board all its educational policies;

5 (2) Nominate all personnel to be employed; in case the board of education refuses to employ any or all of the persons nominated, the superintendent shall nominate others and submit the same to the board of education at such time as the board may direct, but no such person or persons shall be employed except on
11 the nomination of the county superintendent;
12 (3) Assign, transfer, suspend or promote teachers
13 and all other school employees of the district, subject
14 only to the approval of the board, and to recommend
15 to the board their dismissal pursuant to the provisions
16 of this chapter;
17 (4) Organize and attend district institutes; organize
18 and direct reading circles and boys' and girls' clubs;
19 (5) Close temporarily a school when conditions are
20 detrimental to the health, safety or welfare of the
21 pupils;
22 (6) Certify all expenditures and monthly payrolls of
23 teachers and employees;
24 (7) Be the secretary of the board and attend all
25 meetings of the board or its committees, except when
26 his tenure, salary or administration is under
27 consideration;
28 (8) Administer oaths and examine under oath wit- 
29 nesses in any proceedings pertaining to the schools of
30 the district, and have the testimony reduced to writing;
31 (9) Exercise all other authority granted by this
32 chapter or required by the board or state board;
33 (10) Act in case of emergency as the best interests of
34 the school demand: Provided, That an emergency as 
35 contemplated in this section shall be limited to an
36 unforeseeable, catastrophic event including natural
37 disaster or act of war: Provided, however, That
38 nothing in this section shall be construed as granting
39 the county superintendent authority to override any
40 statutory or constitutional provision in the exercise of
41 said emergency power except where such authority is
42 specifically granted in the particular code section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 20th day of March, 1991.

Governor