

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1991**



**ENROLLED**

**SENATE BILL NO.** 468

(By Senators Wagner and Withers)



**PASSED** March 7, **1991**

**In Effect** from **Passage**

RECEIVED  
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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**  
**Senate Bill No. 468**

(BY SENATORS WAGNER AND WITHERS)

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

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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,
- 3 and execute under the direction of the state board all
- 4 its educational policies;
- 5 (2) Nominate all personnel to be employed; in case
- 6 the board of education refuses to employ any or all of
- 7 the persons nominated, the superintendent shall
- 8 nominate others and submit the same to the board of
- 9 education at such time as the board may direct, but no
- 10 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.

*Somer Leck*  
.....  
Chairman Senate Committee

*Ernest C Moore*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Arthur P. Adams*  
.....  
Clerk of the Senate

*Donald G. Kopp*  
.....  
Clerk of the House of Delegates

*Neil Summitt*  
.....  
President of the Senate

*Bob C. Cal*  
.....  
Speaker House of Delegates

The within is approved this the *20<sup>th</sup>*.....  
day of *March*....., 1991.

*Yaston Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/14/91

Time

4:10 pm