

1 (a) Control and manage all of the schools and school interests
2 for all school activities and upon all school property owned or
3 leased by the county, including:

4 (1) Requiring schools to keep records regarding funds
5 connected with the school or school interests, including all
6 receipts and disbursements of all funds collected or received by:

7 (A) Any principal, teacher, student or other person in
8 connection with the schools and school interests;

9 (B) Any program, activity or other endeavor of any nature
10 operated or conducted by or in the name of the school; and

11 (C) Any organization or body directly connected with the
12 school;

13 (2) Allowing schools to expend funds for student, parent,
14 teacher and community recognition programs. A school may use only
15 funds it generates through a fund-raising or donation-soliciting
16 activity. Prior to commencing the activity, the school shall:

17 (A) Publicize the activity as intended for this purpose; and

18 (B) Designate for this purpose the funds generated;

19 (3) Auditing the records and conserving the funds, including
20 securing surety bonds by expending board moneys. The funds
21 described in this subsection are quasipublic funds, which means the
22 moneys were received for the benefit of the school system as a
23 result of curricular or noncurricular activities;

24 (b) Establish:

- 1 (1) Schools, from preschool through high school;
- 2 (2) Vocational schools; and
- 3 (3) Schools and programs for post-high school instruction,
4 subject to approval of the state board;
- 5 (c) Close any school:
- 6 (1) Which is unnecessary and assign the students to other
7 schools. The closing shall occur pursuant to official action of
8 the county board. Except in emergency situations when the timing
9 and manner of notification are subject to approval by the state
10 superintendent, the county board shall notify the affected teachers
11 and service personnel of the county board action not later than the
12 first Monday in April. The board shall provide notice in the same
13 manner as set forth in section four of this article; or
- 14 (2) Pursuant to the provisions of subsection (e) of this
15 section;
- 16 (d) Consolidate schools;
- 17 (e) Close any elementary school whose average daily attendance
18 falls below twenty students for two consecutive months. The county
19 board may assign the students to other schools in the district or
20 to schools in adjoining districts. If the teachers in the closed
21 school are not transferred or reassigned to other schools, they
22 shall receive one month's salary;
- 23 (f) Provide transportation according to rules established by
24 the county board, as follows:

1 (1) To provide at public expense adequate means of
2 transportation:

3 (A) For all children of school age who live more than two
4 miles distance from school by the nearest available road;

5 (B) For school children participating in county board-approved
6 curricular and extracurricular activities;

7 (C) Across county lines for students transferred from one
8 district to another by mutual agreement of both county boards. The
9 agreement shall be recorded in the meeting minutes of each
10 participating county board and is subject to the provisions of
11 subsection (h) of this section; and

12 (D) Within available revenues, for students within two miles
13 distance of the school; and

14 (2) To provide transportation for participants in projects
15 operated, financed, sponsored or approved by the Bureau of Senior
16 Services. This transportation shall be provided at no cost to the
17 county board. All costs and expenses incident in any way to this
18 transportation shall be borne by the bureau or the local or county
19 affiliate of the bureau;

20 (3) Any school bus owned by the county board may be operated
21 only by a bus operator regularly employed by the county board,
22 except as provided in subsection (g) of this section;

23 (4) Pursuant to rules established by the state board, the
24 county board may provide for professional employees to be certified

1 to drive county board-owned vehicles that have a seating capacity
2 of fewer than ten passengers. These employees may use the vehicles
3 to transport students for school-sponsored activities, but may not
4 use the vehicles to transport students between school and home.
5 Not more than one of these vehicles may be used for any
6 school-sponsored activity;

7 (5) Students may not be transported to a school-sponsored
8 activity in any county-owned or leased vehicle that does not meet
9 school bus or public transit ratings. This section does not
10 prohibit a parent from transporting ten or fewer students in a
11 privately-owned vehicle;

12 (6) Students may be transported to a school-sponsored activity
13 in a vehicle that has a seating capacity of sixteen or more
14 passengers which is not owned and operated by the county board only
15 as follows:

16 (A) The state board shall promulgate a rule to establish
17 requirements for:

18 (i) Automobile insurance coverage;

19 (ii) Vehicle safety specifications;

20 (iii) School bus or public transit ratings; and

21 (iv) Driver training, certification and criminal history
22 record check; and

23 (B) The vehicle owner shall provide to the county board proof
24 that the vehicle and driver satisfy the requirements of the state

1 board rule; and

2 (7) Buses shall be used for extracurricular activities as
3 provided in this section only when the insurance coverage required
4 by this section is in effect;

5 (g) Lease school buses pursuant to rules established by the
6 county board.

7 (1) Leased buses may be operated only by bus operators
8 regularly employed by the county board, except that these buses may
9 be operated by bus operators regularly employed by another county
10 board in this state if bus operators from the owning county are
11 unavailable.

12 (2) The lessee shall bear all costs and expenses incurred by,
13 or incidental to the use of, the bus.

14 (3) The county board may lease buses to:

15 (A) Public and private nonprofit organizations and private
16 corporations to transport school-age children for camps or
17 educational activities;

18 (B) Any college, university or officially recognized campus
19 organization for transporting students, faculty and staff to and
20 from the college or university. Only college and university
21 students, faculty and staff may be transported pursuant to this
22 paragraph. The lease shall include provisions for:

23 (i) Compensation for bus operators;

24 (ii) Consideration for insurance coverage, repairs and other

1 costs of service; and

2 (iii) Any rules concerning student behavior;

3 (C) Public and private nonprofit organizations, including
4 education employee organizations, for transportation associated
5 with fairs, festivals and other educational and cultural events.
6 The county board may charge fees in addition to those charges
7 otherwise required by this subsection;

8 (h) To provide at public expense for insurance coverage
9 against negligence of the drivers of school buses, trucks or other
10 vehicles operated by the county board. Any contractual agreement
11 for transportation of students shall require the vehicle owner to
12 maintain insurance coverage against negligence in an amount
13 specified by the county board;

14 (i) Provide for the full cost or any portion thereof for group
15 plan insurance benefits not provided or available under the West
16 Virginia Public Employees Insurance Act. Any of these benefits
17 shall be provided:

18 (1) Solely from county board funds; and

19 (2) For all regular full-time employees of the county board;

20 (j) Employ teacher aides; to provide in-service training for
21 the aides pursuant to rules established by the state board; and,
22 prior to assignment, to provide a four-clock-hour program of
23 training for a service person assigned duties as a teacher aide in
24 an exceptional children program. The four-clock-hour program shall

1 consist of training in areas specifically related to the education
2 of exceptional children;

3 (k) Establish and operate a self-supporting dormitory for:

4 (1) Students attending a high school or participating in a
5 post high school program; and

6 (2) Persons employed to teach in the high school or post high
7 school program;

8 (l) At the county board's discretion, employ, contract with or
9 otherwise engage legal counsel in lieu of using the services of the
10 prosecuting attorney to advise, attend to, bring, prosecute or
11 defend, as the case may be, any matters, actions, suits and
12 proceedings in which the county board is interested;

13 (m) Provide appropriate uniforms for school service personnel;

14 (n) Provide at public expense for payment of traveling
15 expenses incurred by any person invited to appear to be interviewed
16 concerning possible employment by the county board, subject to
17 rules established by the county board;

18 (o) Allow designated employees to use publicly provided
19 carriage to travel from their residences to their workplace and
20 return. The use:

21 (1) Is subject to the supervision of the county board; and

22 (2) Shall be directly connected with, required by and
23 essential to the performance of the employee's duties and
24 responsibilities;

1 (p) Provide at public expense adequate public liability
2 insurance, including professional liability insurance, for county
3 board employees;

4 (q) Enter into cooperative agreements with other county boards
5 to provide improvements to the instructional needs of each
6 district. The cooperative agreements may be used to employ
7 specialists in a field of academic study or for support functions
8 or services for the field. The agreements are subject to approval
9 by the state board;

10 (r) Provide information about vocational and higher education
11 opportunities to exceptional students. The county board shall
12 provide in writing to the students and their parents or guardians
13 information relating to programs of vocational education and to
14 programs available at state institutions of higher education. The
15 information may include sources of available funding, including
16 grants, mentorships and loans for students who wish to attend
17 classes at institutions of higher education;

18 (s) Enter into agreements with other county boards for the
19 transfer and receipt of any funds determined to be fair when
20 students are permitted or required to attend school in a district
21 other than the district of their residence. These agreements are
22 subject to the approval of the state board; and

23 (t) Enter into job-sharing arrangements, as defined in section
24 one, article one, chapter eighteen-a of this code, with its

1 employees, subject to the following provisions:

2 (1) A job-sharing arrangement shall meet all the requirements
3 relating to posting, qualifications and seniority, as provided in
4 article four, chapter eighteen-a of this code;

5 (2) Notwithstanding any contrary provision of this code or
6 legislative rule and specifically the provisions of article
7 sixteen, chapter five of this code, a county board that enters into
8 a job-sharing arrangement:

9 (A) Shall provide insurance coverage to the one employee
10 mutually agreed upon by the employees participating in that
11 arrangement; and

12 (B) May not provide insurance benefits of any type to more
13 than one of the job-sharing employees, including any group plan
14 available under the State Public Employees Insurance Act;

15 (3) Each job-sharing agreement shall be in writing on a form
16 prescribed and furnished by the county board. The agreement shall
17 designate specifically one employee only who is entitled to the
18 insurance coverage. Any employee who is not designated is not
19 eligible for state public employees insurance coverage regardless
20 of the number of hours he or she works;

21 (4) All employees involved in the job-sharing agreement shall
22 meet the requirements of subdivision (3), section two, article
23 sixteen, chapter five of this code; and

24 (5) When entering into a job-sharing agreement, the county

1 board and the participating employees shall consider issues such as
2 retirement benefits, termination of the job-sharing agreement and
3 any other issue the parties consider appropriate. Any provision in
4 the agreement relating to retirement benefits may not cause any
5 cost to be incurred by the retirement system that is more than the
6 cost that would be incurred if a single employee were filling the
7 position; and

8 (u) Under rules it establishes for each child, expend an
9 amount not to exceed the proportion of all school funds of the
10 district that each child would be entitled to receive if all the
11 funds were distributed equally among all the children of school age
12 in the district upon a per capita basis.

13 (v) (1) Sell advertising space on the exterior of a school bus
14 in accordance with this subsection. A county board that sells
15 advertising space on the exterior of a school bus shall adopt
16 guidelines for the type of advertising that will be permitted.

17 (2) Advertising on a school bus:

18 (A) Shall be age appropriate;

19 (B) May not contain:

20 (i) Promotion of any substance or activity that is illegal for
21 minors, such as alcohol, tobacco, drugs, or gambling;

22 (ii) Promotion of any political party, candidate, or issue; or

23 (iii) Sexual material; and

24 (C) May not resemble a traffic-control device as identified by

1 the Commissioner of Highways in its manual for a uniform system of
2 traffic-control devices.

3 (3) The county board shall adopt rules concerning the
4 placement and size of an advertisement on a school bus. These
5 rules shall:

6 (A) Prohibit the placement of an advertisement on the back or
7 the front of a school bus; and

8 (B) Limit the size of an advertisement to no more than
9 thirty-five percent of the area of the side of a school bus.

10 (4) (A) A school bus advertisement shall be painted or affixed
11 by decal on a school bus in a manner that complies with rules
12 adopted pursuant to this subsection.

13 (B) A commercial advertiser that contracts with a school
14 district for the use of space for an advertisement shall pay:

15 (i) The cost of placing the advertisement on a school bus; and

16 (ii) For the removal of the advertisement after the term of
17 the contract has expired.

18 (5) A county board shall use revenue from the sale of
19 advertising space on a school bus for nutrition programs available
20 to all students.

NOTE: The purpose of this bill is to permit county boards of education to sell advertising on the exteriors of school buses. The bill sets forth certain limitations on the advertising signs. The bill sets forth the conditions to be met and prohibitions. The bill requires the county boards to adopt rules concerning the

advertising. The bill sets forth how the revenue from the advertising is to be used.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.