

# WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Enrolled

Committee Substitute

for

**Senate Bill 154**

SENATORS JEFFRIES, BALDWIN, STOLLINGS, LINDSAY,

PLYMALE, HAMILTON, AND BOSO, *original sponsors*

[Passed March 7, 2019; in effect 90 days from  
passage]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §18-5-13d, relating to the Specialist Nicholas Caleb Jividen Act; authorizing  
3 the use of school facilities for funerals and memorial services; recognizing schools are  
4 integral parts of communities and the death of certain community members can have a  
5 significant impact on communities; requiring county board of education to allow school  
6 facilities use for funeral and memorial services of certain community members; permitting  
7 county boards of education to establish process for requesting the use of school facilities  
8 for funeral and memorial services; providing that county boards of education are not  
9 responsible for additional costs associated with such funeral and memorial services that  
10 are held at school facilities; and prohibiting such funeral and memorial services held at  
11 school facilities from disrupting or interfering with classroom instruction, scheduled school  
12 event or activity, or governmental use.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-13d. Use of school facilities for funeral and memorial services.**

1 (a) Public schools in this state serve as an integral part of the community and the death of  
2 a community member of distinction who was a military service member or veteran who served  
3 under honorable conditions, or who served as a first responder, can have a significant impact on  
4 students and the surrounding community.

5 (b) Notwithstanding any other provision of this code or any policy currently in place, county  
6 boards of education shall allow school facilities in the county to be used for the funeral or memorial  
7 service, or both funeral and memorial services, of a community member of distinction who was a  
8 military service member or veteran who served under honorable conditions or who served as a  
9 first responder, consistent with this section. County boards may set up a process by which  
10 requests to use school facilities for such purposes may be made. County boards may not be

11 responsible for additional costs incurred as a result of holding the funeral or memorial service at  
12 the school facility.

13 (c) Any funeral or memorial service held at a school facility may not disrupt or interfere  
14 with classroom instruction, any other scheduled school event or activity, or other official  
15 governmental use, such as when a school serves as a polling place for an election.

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 90 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.....  
Day of ....., 2019.

.....  
*Governor*