

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5514

BY DELEGATES STATLER, TONEY, AND FOGGIN

[Passed March 8, 2024; in effect ninety days from
passage.]

1 AN ACT to amend and reenact §18-5-1a and §18-5-4 of the Code of West Virginia, 1931, as
2 amended, relating to county boards of education members; increasing the number of
3 annual training hours for county board members; modifying the subjects on which county
4 board members must be trained; authorizing the State Board to require board members
5 to complete additional training upon request from the State Superintendent; adding ex
6 officio members to the county board member training standards review committee;
7 requiring the State Superintendent to make an annual report to the Legislative Oversight
8 Commission on Education Accountability relating to county board member training;
9 increasing compensation for attending meetings; reducing the number of meetings board
10 members may be compensated to attend; and prohibiting county board members from
11 receiving compensation if training requirements are not met.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-1a. Eligibility of members; training requirements.

1 (a) A person who is a member of a county board:
2 (1) Shall be a citizen and resident in the county in which he or she serves on the county
3 board. A person who is a candidate for membership on a county board or who is a member-elect
4 of a county board shall be a citizen and resident in the county in which he or she seeks to serve
5 on the county board;
6 (2) May not be employed by the county board on which he or she serves, including
7 employment as a teacher or service person;
8 (3) May not engage in the following political activities:
9 (A) Become a candidate for or hold any other public office, other than to succeed himself
10 or herself as a member of a county board subject to the following:

11 (i) A candidate for a county board, who is not currently serving on a county board, may
12 hold another public office while a candidate if he or she resigns from the other public office prior
13 to taking the oath of office as a county board member.

14 (ii) The term “public office” as used in this section does not include service on any other
15 board, elected or appointed, profit or nonprofit, under the following conditions:

16 (I) The person does not receive compensation; and

17 (II) The primary scope of the board is not related to public schools.

18 (B) Become a candidate for, or serve as, an elected member of any political party
19 executive committee;

20 (C) Become a candidate for, or serve as, a delegate, alternate or proxy to a national
21 political party convention;

22 (D) Solicit or receive political contributions to support the election of, or to retire the
23 campaign debt of, any candidate for partisan office;

24 (4) May engage in any or all of the following political activities:

25 (A) Make campaign contributions to partisan or bipartisan candidates;

26 (B) Attend political fundraisers for partisan or bipartisan candidates;

27 (C) Serve as an unpaid volunteer on a partisan campaign;

28 (D) Politically endorse any candidate in a partisan or bipartisan election; or

29 (E) Attend a county, state or national political party convention.

30 (b) A member or member-elect of a county board, or a person desiring to become a
31 member of a county board, may make a written request to the West Virginia Ethics Commission
32 for an advisory opinion to determine if another elected or appointed position held or sought by the
33 person is an office or public office which would bar service on a county board pursuant to
34 subsection (a) of this section.

35 (1) Within 30 days of receipt of the request, the Ethics Commission shall issue a written
36 advisory opinion in response to the request and publish the opinion in a manner which, to the
37 fullest extent possible, does not reveal the identity of the person making the request.

38 (2) A county board member who relies in good faith upon an advisory opinion issued by
39 the West Virginia Ethics Commission to the effect that holding a particular office or public office
40 is not a bar from membership on a county board and against whom proceedings are subsequently
41 brought for removal from the county board on the basis of holding that office or offices is entitled
42 to reimbursement by the county board for reasonable attorney's fees and court costs incurred by
43 the member in defending against these proceedings, regardless of the outcome of the
44 proceedings.

45 (3) A vote cast by the member at a meeting of the county board may not be invalidated
46 due to a subsequent finding that holding the particular office or public office is a bar to membership
47 on the county board.

48 (4) Good faith reliance on a written advisory opinion of the West Virginia Ethics
49 Commission that a particular office or public office is not a bar to membership on a county board
50 is an absolute defense to any civil suit or criminal prosecution arising from any proper action taken
51 within the scope of membership on the county board, becoming a member-elect of the county
52 board or seeking election to the county board.

53 (c) To be eligible for election or appointment as a member of a county board, a person
54 shall possess at least a high school diploma or a general educational development (GED)
55 diploma. This provision does not apply to members or members-elect who have taken office prior
56 to May 5, 1992, and who serve continuously from that date forward.

57 (d) A person elected to a county board after May 1, 2024, may not assume the duties of
58 county board member unless he or she has first attended and completed an orientation training
59 relating to boardsmanship, governance effectiveness, and fiscal management which shall be

60 provided between the date of election and the beginning of the member's term of office under the
61 following conditions:

62 (1) A portion or portions of subsequent training such as that offered in the orientation
63 training may be provided to members after they have commenced their term of office;

64 (2) Attendance in the orientation training provided between the date of election and the
65 beginning of the member's term of office permits the member-elect to assume the duties of county
66 board member, as specified in this section: *Provided*, That any county board member who is
67 unable to attend the initial orientation training for good cause, is required to complete the
68 orientation training within 30 days of being sworn in as a county board member.

69 (3) Members appointed to the county board shall attend and complete the next orientation
70 course offered following their appointment: *Provided*, That any county board appointee who is
71 unable to attend the initial training course for good cause, is required to complete the orientation
72 training within 30 days of being appointed; and

73 (4) The provisions of this subsection relating to orientation training do not apply to
74 members who have taken office prior to July 1, 2024, and who serve continuously from that date
75 forward.

76 (e) Annually, each member of a county board shall receive twelve hours of training in
77 areas relating to boardsmanship, governance effectiveness, fiscal management, and school
78 performance issues including, but not limited to, pertinent state and federal statutes such as the
79 "Process for Improving Education" set forth in §18-2E-5 of this code, the Every Student Succeeds
80 Act (ESSA), the Individuals with Disabilities Education and Improvement Act of 2004 (IDEA), and
81 their respective administrative rules: *Provided*, That the State Board may require any county
82 board member to attend additional training if they believe that the training would be beneficial in
83 assisting the member in successfully fulfilling their duties on the county board as requested by
84 the State Superintendent.

85 (1) All training required in this section shall be approved by the state board and conducted
86 by the West Virginia School Board Association or other organization or organizations approved
87 by the state board:

88 (A) The state board may exclude time spent in training on school performance issues from
89 the requisite twelve-hour requirement; and

90 (B) If the state board elects to exclude time spent in training on school performance issues
91 from the requisite twelve hours, the state board shall limit the training to a feasible and practicable
92 amount of time.

93 (2) Failure to attend and complete the orientation training, annual training, or training
94 required by the State Board, without good cause as determined by the state board by duly
95 promulgated legislative rules constitutes neglect of duty under §6-6-7 of this code.

96 (f) In the final year of any four-year term of office, a member shall satisfy the annual training
97 requirement before January 1, unless the county board member is not seeking re-election. Failure
98 to comply with the training requirements of this section without good cause as defined by the state
99 board by duly promulgated legislative rules constitutes neglect of duty under §6-6-7 of this code.

100 (g) The state board shall appoint a committee named the “county board member training
101 standards review committee” whose members shall include the chair of the House Committee on
102 Education and the chair of the Senate Committee on Education, or their designee, which shall
103 serve as non-voting ex officio members. The county board member training standards review
104 committee shall, at a minimum, meet annually. Subject to state board approval, the committee
105 shall determine which trainings and training organizations shall be approved and whether county
106 board members have satisfied the annual training requirement. Members of the committee serve
107 without compensation but may be reimbursed by their agencies or employers for all reasonable
108 and necessary expenses actually incurred in the performance of their duties under this
109 subsection.

110 (h) On or before January 1, 2026, the State Superintendent shall report annually to the
111 Legislative Oversight Commission on Education Accountability on the activities of the county
112 board member training standards review committee, the types of training provided to county board
113 members, the level of training participation by county board members, and the number of board
114 meetings held.

**§18-5-4. Meetings; employment and assignment of teachers; budget hearing;
compensation of members; affiliation with state and national associations.**

1 (a) The county board shall meet on the dates provided by law, and at any other times the
2 county board deems necessary. Subject to adequate public notice, nothing in this section prohibits
3 the county board from conducting regular meetings in facilities within the county other than the
4 county board office. At any meeting authorized in this section and held in compliance with the
5 provisions of §18A-1-1 *et seq.* of this code, the county board may employ qualified teachers, or
6 those who will qualify by the time they assume their duties, necessary to fill existing or anticipated
7 vacancies for the current or next ensuing school year. Meetings of the county board shall be held
8 in compliance with the provisions of §18A-1-1 *et seq.* of this code for purposes relating to the
9 assignment, transfer, termination and dismissal of teachers and other school employees.

10 (b) Special meetings may be called by the president or any three members, but no
11 business may be transacted other than that designated in the call.

12 (c) In addition, a public hearing shall be held concerning the preliminary operating budget
13 for the next fiscal year not fewer than ten days after the budget has been made available to the
14 public for inspection and within a reasonable time prior to the submission of the budget to the
15 state board for approval. Reasonable time shall be granted at the hearing to any person who
16 wishes to speak regarding any part of the budget. Notice of the hearing shall be published as a
17 Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code.

18 (d) A majority of the members of the county board constitutes the quorum necessary for
19 the transaction of official business.

20 (e) Board members may receive compensation at a rate not to exceed \$260 per meeting
21 attended, but they may not receive pay for more than 40 meetings in any one fiscal year. Board
22 members who serve on an administrative council of a multicounty vocational center also may
23 receive compensation for attending up to twelve meetings of the council at the same rate as for
24 meetings of the county board: *Provided*, That council meetings are not counted as board
25 meetings for purposes of determining the limit on compensable board meetings: *Provided*,
26 *however*, That a county board member who is in default of a training requirement established in
27 §18-5-1a of this code shall not, until after the default is cured, receive compensation for any
28 meeting held during the period of default. For purposes of compensation, a member in default of
29 a training requirement may cure the default by completing the unfulfilled training requirements
30 within three months of the default. Upon curing the default, the member shall receive
31 compensation, without interest, for the meetings held during the period of default: *Provided*,
32 *further*, That up to five paid meetings may be provided when planning for activities such as running
33 an election for excess levy, construction bond hearings, school closure hearings, personnel
34 hearings, student expulsion hearings, and in the case of a disaster: *And provided further*, That
35 members shall be paid for up to two trainings.

36 (f) Members also shall be paid, upon the presentation of receipts, for all necessary
37 traveling expenses, including all authorized meetings, incurred on official business, at the order
38 of the county board.

39 (g) When, by a majority vote of its members, a county board considers it a matter of public
40 interest, the county board shall join the West Virginia School Board Association and may join the
41 National School Board Association and shall pay the dues prescribed by the associations and
42 approved by action of the respective county boards. Membership dues and actual traveling
43 expenses incurred by board members for attending meetings of the West Virginia School Board

- 44 Association shall be paid by their respective county boards out of funds available to meet actual
45 expenses of the members, but no allowance may be made except upon presentation of receipts.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2024.

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Governor