

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2012



**ENROLLED**

**House Bill No. 4072**

(By Delegates M. Poling and Paxton)



Passed March 10, 2012

To Take Effect Ninety Days From Passage

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2012



**ENROLLED**

**House Bill No. 4072**

(By Delegates M. Poling and Paxton)



Passed March 10, 2012

To Take Effect Ninety Days From Passage

# ENROLLED

## H. B. 4072

---

(BY DELEGATES M. POLING AND PAXTON)

---

[Passed March 10, 2012; to take effect ninety days from passage.]

AN ACT to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to eliminating requirement for county boards of education to meet on the first Monday of July in years in which there is not a biennial primary election.

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

That §18-5-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

#### **§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 upon the dates provided  
2 by law, and at any other times the county board fixes upon its  
3 records. Subject to adequate public notice, nothing in this  
4 section prohibits the county board from conducting regular  
5 meetings in facilities within the county other than the county  
6 board office. At any meeting as authorized in this section and  
7 in compliance with the provisions of chapter eighteen-a of

8 this code, the county board may employ qualified teachers, or  
9 those who will qualify by the time they enter upon their  
10 duties, necessary to fill existing or anticipated vacancies for  
11 the current or next ensuing school year. Meetings of the  
12 county board shall be held in compliance with the provisions  
13 of chapter eighteen-a of this code for purposes relating to the  
14 assignment, transfer, termination and dismissal of teachers  
15 and other school employees.

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

19 (c) In addition, a public hearing shall be held concerning  
20 the preliminary operating budget for the next fiscal year not  
21 fewer than ten days after the budget has been made available  
22 to the public for inspection and within a reasonable time prior  
23 to the submission of the budget to the state board for  
24 approval. Reasonable time shall be granted at the hearing to  
25 any person who wishes to speak regarding any part of the  
26 budget. Notice of the hearing shall be published as a Class I  
27 legal advertisement in compliance with the provisions of  
28 article three, chapter fifty-nine of this code.

29 (d) A majority of the members of the county board is the  
30 quorum necessary for the transaction of official business.

31 (e) Board members may receive compensation at a rate not  
32 to exceed \$160 per meeting attended, but they may not receive  
33 pay for more than fifty meetings in any one fiscal year. Board  
34 members who serve on an administrative council of a  
35 multicounty vocational center also may receive compensation for  
36 attending up to twelve meetings of the council at the same rate  
37 as for meetings of the county board. Meetings of the council are  
38 not counted as board meetings for purposes of determining the  
39 limit on compensable board meetings.

40 (f) Members also shall be paid, upon the presentation of  
41 an itemized sworn statement, for all necessary traveling  
42 expenses, including all authorized meetings, incurred on  
43 official business, at the order of the county board.

44 (g) When, by a majority vote of its members, a county  
45 board considers it a matter of public interest, the county  
46 board may join the West Virginia School Board Association  
47 and the National School Board Association and may pay the  
48 dues prescribed by the associations and approved by action  
49 of the respective county boards. Membership dues and actual  
50 traveling expenses incurred by board members for attending  
51 meetings of the West Virginia School Board Association may  
52 be paid by their respective county boards out of funds  
53 available to meet actual expenses of the members, but no  
54 allowance may be made except upon sworn itemized  
55 statements.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

---

*Chairman, House Committee*

---

*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

---

*Clerk of the House of Delegates*

---

*Clerk of the Senate*

---

*Speaker of the House of Delegates*

---

*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

---

*Governor*