

H. B. 4072

(BY DELEGATES M. POLING AND PAXTON)

[Introduced January 13, 2012; referred to the
Committee on Education.]

A BILL 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 ~~on the first Monday in~~
- 2 ~~July, and~~ upon the dates provided by law, ~~for the laying of~~

3 ~~levies~~ and at any other times the county board fixes upon its
4 records. Subject to adequate public notice, nothing in this
5 section prohibits the county board from conducting regular
6 meetings in facilities within the county other than the county
7 board office. At any meeting as authorized in this section
8 and in compliance with the provisions of chapter eighteen-a
9 of this code, the county board may employ qualified teachers,
10 or those who will qualify by the time they enter upon their
11 duties, necessary to fill existing or anticipated vacancies for
12 the current or next ensuing school year. Meetings of the
13 county board shall be held in compliance with the provisions
14 of chapter eighteen-a of this code for purposes relating to the
15 assignment, transfer, termination and dismissal of teachers
16 and other school employees.

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

20 (c) In addition, a public hearing shall be held concerning
21 the preliminary operating budget for the next fiscal year not

22 fewer than ten days after the budget has been made available
23 to the public for inspection and within a reasonable time prior
24 to the submission of the budget to the state board for
25 approval. Reasonable time shall be granted at the hearing to
26 any person who wishes to speak regarding any part of the
27 budget. Notice of the hearing shall be published as a Class
28 I legal advertisement in compliance with the provisions of
29 article three, chapter fifty-nine of this code.

30 (d) A majority of the members of the county board
31 ~~constitutes~~ is the quorum necessary for the transaction of
32 official business.

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

41 purposes of determining the limit on compensable board
42 meetings.

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

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

NOTE: The purpose of this bill is to eliminate a general provision requiring county boards of education to meet on the first Monday of July of every year. The specific provision that county boards must meet on the first Monday of July following each biennial primary election (§18-5-1c) is not affected.

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