

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2151

2015 Carryover

(BY DELEGATE PERRY, ROWAN, AMBLER, COOPER,
ESPINOSA, PETHTEL, ROMINE, LONGSTRETH AND MOYE)

[Introduced January 13, 2016; referred to the
Committee on Education.]

1 A BILL to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended, relating
 2 to making the West Virginia state teacher of the year an ex officio, nonvoting member of
 3 the West Virginia Board of Education.

Be it enacted by the Legislature of West Virginia:

1 That §18-2-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted
 2 to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-1. Creation; composition; appointment, qualifications, terms and removal of members; offices.

1 There is a state Board of Education, to be known as the West Virginia Board of
 2 Education, which is a corporation and as such may contract and be contracted with, plead and
 3 be impleaded, sue and be sued, and have and use a common seal. The state board consists
 4 of ~~twelve~~ thirteen members, of whom one is the state Superintendent of Schools, ex officio; one
 5 of whom is the chancellor of the Higher Education Policy Commission, ex officio; ~~and~~ one of
 6 whom is the chancellor of the West Virginia council for community and technical college
 7 education, ex officio; and one of whom is the West Virginia state teacher of the year, ex officio,
 8 none of whom is entitled to vote. The other nine members are citizens of the state, appointed
 9 by the Governor, by and with the advice and consent of the Senate, for overlapping terms of
 10 nine years. Terms of office begin on November 5, of the appropriate year and end on
 11 November 4, of the appropriate year. At least two, but not more than three, members are
 12 appointed from each congressional district.

13 No more than five of the appointive members may belong to the same political party and
 14 no person is eligible for appointment to membership on the state board who is a member of any
 15 political party executive committee or holds any other public office or public employment under

16 the federal government or under the government of this state or any of its political subdivisions,
17 or who is an appointee or employee of the board. Members are eligible for reappointment.
18 Any vacancy on the board shall be filled by the Governor by appointment for the unexpired term.

19 Notwithstanding the provisions of section four, article six, chapter six of this code, a
20 member of the state board may not be removed from office by the Governor except for official
21 misconduct, incompetence, neglect of duty or gross immorality and then only in the manner
22 prescribed by law for the removal by the Governor of state elective officers.

23 Before exercising any authority or performing any duties as a member of the state board,
24 each member shall qualify as such by taking and subscribing to the oath of office prescribed by
25 section five, article IV of the Constitution of West Virginia, the certificate whereof shall be filed
26 with the Secretary of State. A suitable office in the state Department of Education at the state
27 Capitol shall be provided for use by the state board.

NOTE: The purpose of this bill is to make the West Virginia state teacher of the year an ex officio, nonvoting member of the West Virginia Board of Education.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.