WEST virginia legislature

2022 regular session

Committee Substitute

for

Senate Bill 227

By Senator Rucker

[Originating in the Committee on Education; reported on January 28, 2022]

A BILL to amend and reenact §18-9B-17, §18-9B-18, and §18-9B-19 of the Code of West Virginia, 1931, as amended, all relating to requiring county boards of education and county superintendents to comply with the instructions of the State Board of Education; expanding remedies that may be used to enforce certain orders of the State Superintendent of Schools when a county board of education fails or refuses to comply; expanding circumstances under which the state superintendent can withhold payment of state aid from a county board; allowing, under certain circumstances of noncompliance with state law or state board policy, the state superintendent to require certain actions during the periods of noncompliance; and requiring the state superintendent to report certain actions of enforcement against a county board to the state board at its next meeting.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9B. STATE ~~BOARD OF~~ SUPERINTENDENT POWERS AND DUTIES RELATING TO SCHOOL FINANCE.

§18-9B-17. Duties of county board and county superintendent.

A county board of education and a county superintendent shall comply with the instructions of the state board and state superintendent and shall perform the duties required of them in accordance with the provisions of this article.

§18-9B-18. Issuance and enforcement of orders.

The state superintendent shall enforce the requirements of and his or her regulations issued under this article. The state superintendent may issue orders to county boards of education requiring specific compliance with his or her instructions. If a county board fails or refuses to comply, the state superintendent may proceed to enforce his or her order by any appropriate remedy, including, but not limited to, initiating legal action in any court of competent jurisdiction.

§18-9B-19. Withholding of state aid for noncompliance by county board.

(a) The state superintendent may withhold payment of state aid from a county board that fails or refuses to comply with the provisions of this ~~article~~ code or the requirements of the state superintendent. ~~made in accordance therewith.~~

(b) If the state superintendent finds that the action of a county board or county superintendent does not comply with state law or state board policy, and that the noncompliance could adversely impact the delivery of a thorough and equitable education to all students in the county, the state superintendent may require one or more of the following actions during the periods of noncompliance:

(1) Approval of meeting agendas by the state superintendent;

(2) Attendance by the superintendent or designee at county board meetings; and

(3) Approval by the state superintendent of county-level expenditures.

(c) The state superintendent shall report any action of enforcement against a county board pursuant to this section or any other provision of law to the state board at its next meeting.