

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 493

BY SENATORS ROBERTS, AZINGER, BOLEY, GRADY,
KARNES, MAYNARD, PHILLIPS, SMITH, SYPOLT, TARR,
TRUMP, WOODRUM, TAKUBO, AND MARTIN

[Introduced January 27, 2022; referred to
the Committee on Education]

1 A BILL to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating
2 to requiring each county board of education to ensure that all of its meetings are open to
3 the public through in-person attendance and that the audio and video of its meetings are
4 broadcast live to the public through an internet link on its website, and recorded with a link
5 to the recording also available through an internet link on its website; providing exception
6 for executive session; allowing each county board to make and enforce reasonable rules
7 for attendance and presentation at any meeting where there is not room enough for all
8 members of the public who wish to attend; requiring adoption of procedures to ensure
9 delegations and speakers are treated equally; and requiring the county board to ensure
10 that any person expressing an interest in speaking has the opportunity in compliance with
11 adopted procedures.

Be it enacted by the Legislature of West Virginia:

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 by law, and at any other times
2 the county board fixes upon its records. Subject to adequate public notice, nothing in this section
3 prohibits the county board from conducting regular meetings in facilities within the county other
4 than the county board office. At any meeting as authorized in this section and in compliance with
5 the provisions of chapter 18A of this code, the county board may employ qualified teachers, or
6 those who will qualify by the time they enter upon their duties, necessary to fill existing or
7 anticipated vacancies for the current or next ensuing school year. Meetings of the county board
8 shall be held in compliance with the provisions of chapter 18A of this code for purposes relating
9 to the assignment, transfer, termination, and dismissal of teachers and other school employees.

10 (b) In addition to any requirements imposed by §6-9A-1 et seq. of this code relating to
11 open governmental proceedings, each county board shall ensure that all of its meetings are open

12 to the public through in-person attendance and that the audio and video of its meetings are
13 broadcast live to the public through an internet link on its website. In addition to being available
14 live, each county board also shall ensure that the audio and video is recorded and that the
15 recording is also available through a link on its website. This subsection does not apply to the
16 holding of an executive session pursuant to §6-9A-4 of this code. Each county board may make
17 and enforce reasonable rules for attendance and presentation at any meeting where there is not
18 room enough for all members of the public who wish to attend, subject to the following:

19 (1) The county board shall adopt procedures related to delegations and speakers at
20 meetings to ensure delegations and speakers are treated equally; and

21 (2) For any person expressing an interest in speaking at the meeting, the county board
22 shall ensure that the person has the opportunity to speak in compliance with the adopted
23 procedures.

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

26 ~~(c)~~ (d) In addition, a public hearing shall be held concerning the preliminary operating
27 budget for the next fiscal year not fewer than 10 days after the budget has been made available
28 to the public for inspection and within a reasonable time prior to the submission of the budget to
29 the state board for approval. Reasonable time shall be granted at the hearing to any person who
30 wishes to speak regarding any part of the budget. Notice of the hearing shall be published as a
31 Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code.

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

34 ~~(e)~~ (f) Board members may receive compensation at a rate not to exceed \$160 per meeting
35 attended, but they may not receive pay for more than 50 meetings in any one fiscal year. Board
36 members who serve on an administrative council of a multi-county vocational center also may
37 receive compensation for attending up to 12 meetings of the council at the same rate as for

38 meetings of the county board. Meetings of the council are not counted as board meetings for
39 purposes of determining the limit on compensable board meetings.

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

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