

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 139

By Senators Roberts, Azinger, Boley, Grady, Karnes,
Maynard, Phillips, Smith, Tarr, Trump, Woodrum,
Takubo, Martin, Deeds, Jeffries, Stuart, Clements,
Barrett, Rucker, Taylor, Nelson, Hamilton, and
Maroney

[Introduced January 11, 2023]

1 A BILL to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to
2 requiring each county board of education to ensure that all of its meetings are open to the
3 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; requiring each county
5 board to ensure that the audio and video is recorded and that the recording is also
6 available through a link on its website; allowing meeting to continue if the live broadcast
7 experiences a technical interruption in which the stream is discontinued or digitally
8 interrupted; providing exception for executive session; allowing each county board to make
9 and enforce reasonable rules for attendance and presentation at any meeting where there
10 is not room enough for all members of the public who wish to attend; requiring the county
11 board, if providing opportunity for the public to address the school board at a meeting, to
12 ensure that any person expressing an interest in speaking has the opportunity in
13 compliance with adopted procedures; requiring that speakers are treated equally; requiring
14 that a draft of the minutes of each public board meeting include a record of the votes cast
15 by each board member on all substantive matters and be posted to the website within two
16 business days; establishing the duration in which the approved minutes shall remain on
17 the website; and removing the option for a county board to join the National School Board
18 Association.

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 the
2 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

the provisions of chapter 18A of this code, the county board may employ qualified teachers, or those who will qualify by the time they enter upon their duties, necessary to fill existing or anticipated vacancies for the current or next ensuing school year. Meetings of the county board shall be held in compliance with the provisions of chapter 18A of this code for purposes relating to the assignment, transfer, termination, and dismissal of teachers and other school employees.

(b) In addition to any requirements imposed by §6-9A-1 et seq. of this code relating to open governmental proceedings, each county board shall ensure that all of its meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website. In addition to being available live, each county board also shall ensure that the audio and video is recorded and that the recording is also available through a link on its website: *Provided*, That, if the live broadcast experiences a technical interruption in which the stream is discontinued or digitally interrupted, the meeting may continue while such technical interruptions are being resolved. This subsection does not apply to the holding of an executive session pursuant to §6-9A-4 of this code.

Each county board may make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend. If the county board provides opportunity for the public to address the school board at any meeting the county board shall ensure that any person expressing a desire to speak has the opportunity to speak in compliance with the adopted procedures. All members of the public wishing to address the school board on an issue pursuant to policies adopted by the board shall be treated equally.

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

~~(c)~~ (d) In addition, a public hearing shall be held concerning the preliminary operating budget for the next fiscal year not fewer than 10 days after the budget has been made available to the public for inspection and within a reasonable time prior to the submission of the budget to the

state board for approval. Reasonable time shall be granted at the hearing to any person who wishes to speak regarding any part of the budget. Notice of the hearing shall be published as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code.

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

(f) A draft of the minutes of each public board meeting must include a record of the votes cast by each board member on all substantive matters and be posted to the website within two business days after the meeting. After approval, minutes shall remain on the website for at least one year after the meeting.

(e) (g) Board members may receive compensation at a rate not to exceed \$160 per meeting attended, but they may not receive pay for more than 50 meetings in any one fiscal year. Board members who serve on an administrative council of a multi-county vocational center also may receive compensation for attending up to 12 meetings of the council at the same rate as for meetings of the county board. Meetings of the council are not counted as board meetings for purposes of determining the limit on compensable board meetings.

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

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

