

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 842**

By Senator Grady

[Introduced February 19, 2024; referred  
to the Committee on Education]

1 A BILL to amend and reenact §18-5-1a and §18-5-4 of the Code of West Virginia, 1931, as  
2 amended, all relating to county boards of education members; increasing the number of  
3 annual training hours for county board members; modifying the subjects on which county  
4 board members must be trained; authorizing the State Board to require board members to  
5 complete additional training upon request from the State Superintendent; adding ex officio  
6 members to the county board member training standards review committee; requiring the  
7 State Superintendent to make an annual report to the Legislative Oversight Commission  
8 on Education Accountability relating to county board member training; increasing  
9 compensation for attending meetings; reducing the number of meetings board members  
10 may be compensated to attend; and prohibiting county board members from receiving  
11 compensation if training requirements are not met.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 5. COUNTY BOARD OF EDUCATION.**

### **§18-5-1a. Eligibility of members; training requirements.**

1 (a) A person who is a member of a county board:  
2 (1) Shall be a citizen and resident in the county in which he or she serves on the county  
3 board. ~~Also, a~~ A person who is a candidate for membership on a county board or who is a member-  
4 elect of a county board shall be a citizen and resident in the county in which he or she seeks to  
5 serve on the county board;  
6 (2) May not be employed by the county board on which he or she serves, including  
7 employment as a teacher or service person;  
8 (3) May not engage in the following political activities:  
9 (A) Become a candidate for or hold any other public office, other than to succeed ~~him~~  
10 himself or herself as a member of a county board subject to the following:  
11 (i) A candidate for a county board, who is not currently serving on a county board, may hold  
12 another public office while a candidate if he or she resigns from the other public office prior to

13 taking the oath of office as a county board member.

14 (ii) The term "public office" as used in this section does not include service on any other  
15 board, elected or appointed, profit or nonprofit, under the following conditions:

16 (I) The person does not receive compensation; and

17 (II) The primary scope of the board is not related to public schools.

18 (B) Become a candidate for, or serve as, an elected member of any political party executive  
19 committee;

20 (C) Become a candidate for, or serve as, a delegate, alternate or proxy to a national  
21 political party convention;

22 (D) Solicit or receive political contributions to support the election of, or to retire the  
23 campaign debt of, any candidate for partisan office;

24 (4) May engage in any or all of the following political activities:

25 (A) Make campaign contributions to partisan or bipartisan candidates;

26 (B) Attend political ~~fund-raisers~~ fundraisers for partisan or bipartisan candidates;

27 (C) Serve as an unpaid volunteer on a partisan campaign;

28 (D) Politically endorse any candidate in a partisan or bipartisan election; or

29 (E) Attend a county, state or national political party convention.

30 (b) A member or member-elect of a county board, or a person desiring to become a  
31 member of a county board, may make a written request to the West Virginia Ethics Commission for  
32 an advisory opinion to determine if another elected or appointed position held or sought by the  
33 person is an office or public office which would bar service on a county board pursuant to  
34 subsection (a) of this section.

35 (1) Within 30 days of receipt of the request, the Ethics Commission shall issue a written  
36 advisory opinion in response to the request and ~~also shall~~ publish the opinion in a manner which,  
37 to the fullest extent possible, does not reveal the identity of the person making the request.

38 (2) A county board member who relies in good faith upon an advisory opinion issued by the

39 West Virginia Ethics Commission to the effect that holding a particular office or public office is not a  
40 bar from membership on a county board and against whom proceedings are subsequently brought  
41 for removal from the county board on the basis of holding that office or offices is entitled to  
42 reimbursement by the county board for reasonable attorney's fees and court costs incurred by the  
43 member in defending against these proceedings, regardless of the outcome of the proceedings.

44 (3) A vote cast by the member at a meeting of the county board may not be invalidated due  
45 to a subsequent finding that holding the particular office or public office is a bar to membership on  
46 the county board.

47 (4) Good faith reliance on a written advisory opinion of the West Virginia Ethics  
48 Commission that a particular office or public office is not a bar to membership on a county board is  
49 an absolute defense to any civil suit or criminal prosecution arising from any proper action taken  
50 within the scope of membership on the county board, becoming a member-elect of the county  
51 board or seeking election to the county board.

52 (c) To be eligible for election or appointment as a member of a county board, a person shall  
53 possess at least a high school diploma or a general educational development (GED) diploma. This  
54 provision does not apply to members or members-elect who have taken office prior to May 5,  
55 1992, and who serve continuously from that date forward.

56 (d) A person elected to a county board after ~~July 1, 1990~~ May 1, 2024, may not assume the  
57 duties of county board member unless he or she has first attended and completed ~~a course of an~~  
58 orientation training relating to boardsmanship, ~~and~~ governance effectiveness, and fiscal  
59 management which shall be ~~given~~ provided between the date of election and the beginning of the  
60 member's term of office under the following conditions:

61 (1) A portion or portions of subsequent training such as that offered in the orientation  
62 training may be provided to members after they have commenced their term of office;

63 (2) Attendance ~~at the session of~~ in the orientation ~~given~~ training provided between the date  
64 of election and the beginning of the member's term of office permits the member-elect to assume

65 the duties of county board member, as specified in this section: Provided, That any county board  
66 member who is unable to attend the initial orientation training for good cause, is required to  
67 complete the orientation training within 30 days of being sworn in as a county board member.

68 (3) Members appointed to the county board shall attend and complete the next orientation  
69 course offered following their appointment: Provided, That any county board appointee who is  
70 unable to attend the initial training course for good cause, is required to complete the orientation  
71 training within 30 days of being appointed; and

72 (4) The provisions of this subsection relating to orientation training do not apply to  
73 members who have taken office prior to ~~July 1, 1988~~ July 1, 2024, and who serve continuously  
74 from that date forward.

75 ~~(c)~~ (e) Annually, each member of a county board shall receive ~~seven clock~~ 12 hours of  
76 training in areas relating to boardsmanship, governance effectiveness, fiscal management, and  
77 school performance issues including, but not limited to, pertinent state and federal statutes such  
78 as the "Process for Improving Education" set forth in §18-2E-5 of this code and the "~~No Child Left~~  
79 ~~Behind Act~~", the Every Student Succeeds Act (ESSA), the Individuals with Disabilities Education  
80 and Improvement Act of 2004 (IDEA), and their respective administrative rules: Provided, That the  
81 State Board may require any county board member to attend additional training if they believe that  
82 the training would be beneficial in assisting the member in successfully fulfilling their duties on the  
83 county board as requested by the State Superintendent.

84 (1) ~~The orientation and training~~ All training required in this section shall be approved by the  
85 state board and conducted by the West Virginia School Board Association or other organization or  
86 organizations approved by the state board:

87 (A) The state board may exclude time spent in training on school performance issues from  
88 the requisite ~~seven hours herein required~~ 12 hour requirement; and

89 (B) If the state board elects to exclude time spent in training on school performance issues  
90 from the requisite ~~seven~~ 12 hours, the state board shall limit the training to a feasible and

91 practicable amount of time.

92 (2) Failure to attend and complete ~~the approved course of orientation and training relating~~  
93 ~~to boardsmanship and governance effectiveness~~ the orientation training, annual training, or  
94 training required by the State Board, without good cause as determined by the state board by duly  
95 promulgated legislative rules constitutes neglect of duty under §6-6-7 of this code.

96 (f) In the final year of any four-year term of office, a member shall satisfy the annual training  
97 requirement before January 1, unless the county board member is not seeking re-election. Failure  
98 to comply with the training requirements of this section without good cause as defined by the state  
99 board by duly promulgated legislative rules constitutes neglect of duty under §6-6-7 of this code.

100 (g) The state board shall appoint a committee named the "county board member training  
101 standards review committee" whose members shall include the chair of the House Committee on  
102 Education and the chair of the Senate Committee on Education, or their designee, which shall  
103 serve as non-voting ex officio members. The county board member training standards review  
104 committee shall, at a minimum, meet at least annually. Subject to state board approval, the  
105 committee shall determine which ~~particular~~ trainings and training organizations shall be approved  
106 and whether county board members have satisfied the annual training requirement. Members of  
107 the committee serve without compensation but may be reimbursed by their agencies or employers  
108 for all reasonable and necessary expenses actually incurred in the performance of their duties  
109 under this subsection.

110 (h) On or before January 1, 2026, the State Superintendent shall report annually to the  
111 Legislative Oversight Commission on Education Accountability on the activities of the county  
112 board member training standards review committee, the types of training provided to county board  
113 members, the level of training participation by county board members, and the number of board  
114 meetings held.

**§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~~ on the dates provided by law, and at any other times  
2 the county board ~~fixes upon its records~~ deems necessary. Subject to adequate public notice,  
3 nothing in this section prohibits the county board from conducting regular meetings in facilities  
4 within the county other than the county board office. At any meeting as authorized in this section  
5 and held in compliance with the provisions of §18A-1-1 *et seq.* of this code, the county board may  
6 employ qualified teachers, or those who will qualify by the time they ~~enter upon~~ assume their  
7 duties, necessary to fill existing or anticipated vacancies for the current or next ensuing school  
8 year. Meetings of the county board shall be held in compliance with the provisions of §18A-1-1 *et*  
9 *seq.* of this code for purposes relating to the assignment, transfer, termination and dismissal of  
10 teachers and other school employees.

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

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

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

21 (e) Board members may receive compensation at a rate not to exceed ~~\$160~~ \$260 per  
22 meeting attended, but they may not receive pay for more than ~~fifty~~ 40 meetings in any one fiscal  
23 year. Board members who serve on an administrative council of a multicounty vocational center  
24 also may receive compensation for attending up to 12 meetings of the council at the same rate as  
25 for meetings of the county board: ~~Meetings of the council~~ Provided, That council meetings are not  
26 counted as board meetings for purposes of determining the limit on compensable board meetings:

27 Provided, however, That a county board member may not receive compensation under this  
28 section if he or she has not fulfilled all the training requirements established in §18-5-1a of this  
29 code: *Provided, further, That up to five paid meetings may be provided when planning for activities*  
30 such as running an election for excess levy, construction bond hearings, school closure hearings,  
31 personnel hearings, student expulsion hearings, and in the case of a disaster: *And provided*  
32 *further, That members shall be paid for up to two trainings.*

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

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

NOTE: The purpose of this bill is enhance training requirements for county boards of education members by increasing the number of hours required for training, authorizing the State Board to require members to attend additional training when beneficial, modifying training topics, increasing the compensation rate for meeting attendance and decreasing the number of meetings members may be compensated to attend, prohibiting compensation to county board members who have not complied with all training requirements and including the chairs of the House and Senate Education Committees as ex officio members of the county board member standards training review committee.

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