

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 842**

BY SENATOR GRADY

[Originating in the Committee on Education; reported

February 23, 2024]



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  
5 to complete additional training upon request from the State Superintendent; adding ex  
6 officio members to the county board member training standards review committee;  
7 requiring the State Superintendent to make an annual report to the Legislative Oversight  
8 Commission on Education Accountability relating to county board member training;  
9 increasing compensation for attending meetings; reducing the number of meetings board  
10 members may be compensated to attend; and prohibiting county board members from  
11 receiving 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  
4 member-elect of a county board shall be a citizen and resident in the county in which he or she  
5 seeks to 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  
12 hold another public office while a candidate if he or she resigns from the other public office prior  
13 to 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  
19 executive 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  
32 for 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  
39 the West Virginia Ethics Commission to the effect that holding a particular office or public office  
40 is not a bar from membership on a county board and against whom proceedings are subsequently  
41 brought for removal from the county board on the basis of holding that office or offices is entitled  
42 to reimbursement by the county board for reasonable attorney's fees and court costs incurred by  
43 the member in defending against these proceedings, regardless of the outcome of the  
44 proceedings.

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

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

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

57 (d) A person elected to a county board after ~~July 1, 1990~~ May 1, 2024, may not assume  
58 the duties of county board member unless he or she has first attended and completed ~~a course~~  
59 of an orientation training relating to boardsmanship, ~~and~~ governance effectiveness, and fiscal

60 management which shall be ~~given~~ provided between the date of election and the beginning of the  
61 member's term of office under the following conditions:

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

64 (2) Attendance ~~at the session of~~ in the orientation ~~given~~ training provided between the  
65 date of election and the beginning of the member's term of office permits the member-elect to  
66 assume the duties of county board member, as specified in this section: Provided, That any  
67 county board member who is unable to attend the initial orientation training for good cause, is  
68 required to complete the orientation training within 30 days of being sworn in as a county board  
69 member.

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

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

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

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

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

91           (B) If the state board elects to exclude time spent in training on school performance issues  
92 from the requisite ~~seven~~ 12 hours, the state board shall limit the training to a feasible and  
93 practicable amount of time.

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

98           (3) Training completed by a member to cure a default pursuant to §18-5-4(e) of this code  
99 shall be so designated by the member and shall not also fulfill any other training requirement  
100 under this section.

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

105           (g) The state board shall appoint a committee named the "county board member training  
106 standards review committee" whose members shall include the chair of the House Committee on  
107 Education and the chair of the Senate Committee on Education, or their designee, which shall  
108 serve as non-voting ex officio members. The county board member training standards review  
109 committee shall, at a minimum, meet at least annually. Subject to state board approval, the  
110 committee shall determine which particular trainings and training organizations shall be approved  
111 and whether county board members have satisfied the annual training requirement. Members of

112 the committee serve without compensation but may be reimbursed by their agencies or employers  
113 for all reasonable and necessary expenses actually incurred in the performance of their duties  
114 under this subsection.

115 (h) On or before January 1, 2026, the State Superintendent shall report annually to the  
116 Legislative Oversight Commission on Education Accountability on the activities of the county  
117 board member training standards review committee, the types of training provided to county board  
118 members, the level of training participation by county board members, and the number of board  
119 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  
16 state board for approval. Reasonable time shall be granted at the hearing to any person who

17 wishes to speak regarding any part of the budget. Notice of the hearing shall be published as a  
18 Class I legal 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  
25 as for meetings of the county board: ~~Meetings of the council~~ Provided, That council meetings are  
26 not counted as board meetings for purposes of determining the limit on compensable board  
27 meetings: *Provided, however, That a county board member who is in default of a training*  
28 requirement established in §18-5-1a of this code shall not, until after the default is cured, receive  
29 compensation for any meeting held during the period of default. For purposes of compensation,  
30 a member in default of a training requirement may cure the default by completing the unfulfilled  
31 training requirements within six months of the default. Upon curing the default, the member shall  
32 receive compensation, without interest, for the meetings held during the period of default:  
33 *Provided, further, That up to five paid meetings may be provided when planning for activities such*  
34 *as running an election for excess levy, construction bond hearings, school closure hearings,*  
35 *personnel hearings, student expulsion hearings, and in the case of a disaster: *And provided**  
36 *further, That members shall be paid for up to two trainings.*

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

40 (g) When, by a majority vote of its members, a county board considers it a matter of public  
41 interest, the county board ~~may~~ shall join the West Virginia School Board Association and may join  
42 the National School Board Association and ~~may~~ shall pay the dues prescribed by the associations

43 and approved by action of the respective county boards. Membership dues and actual traveling  
44 expenses incurred by board members for attending meetings of the West Virginia School Board  
45 Association ~~may~~ shall be paid by their respective county boards out of funds available to meet  
46 actual expenses of the members, but no allowance may be made except upon ~~sworn itemized~~  
47 ~~statements~~ presentation of receipts.