

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4854

BY DELEGATE WILSON

[Introduced February 11, 2020; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §18-5-2 of the Code of West Virginia, 1931, as amended, to
2 changing the method of filling vacancies in county boards of education.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-2. Filling vacancies.

1 ~~(a) The board shall, by appointment, fill within forty-five days any vacancy that occurs in~~
2 ~~its membership. In the event that the board does not fill the vacancy within forty-five days, the~~
3 ~~state Superintendent of Schools shall appoint a person to fill the vacancy~~

4 If a vacancy occurs in the board, it shall be filled by a selection committee as set forth in
5 this subsection. The superintendent, without consultation with sitting board members, shall select
6 three school improvement councils from the magisterial district wherein the vacancy occurs. One
7 such council shall represent an elementary school, one shall represent a middle or junior high
8 school and one shall represent a high school. From the school improvement councils selected,
9 each shall select by a recorded vote of a quorum of its members a teacher and a parent or other
10 citizen not employed by the school board to service on the selection committee. After the selection
11 committee has been chosen, letters of interest in being appointed to the board of education shall
12 be solicited from residents of the magisterial district affected and public notice thereof shall be
13 provided by the board of education. Interviews of applicants to fill the vacancy may be conducted
14 by the selection committee in closed session with no other applicants present. After deliberation,
15 the selection committee shall vote to select a replacement at a public meeting which may be
16 conducted concurrently with a scheduled meeting of the school board: *Provided, That*
17 expressions of support or preference on the part of sitting board members are prohibited before
18 the selection is made. No communication between sitting board members and the selection
19 committee is allowed before the final selection is made. The decision of the selection committee
20 is final.

21 (b) (1) When the vacancy occurs after the eighty-fourth day before a general election, and

22 the affected term of office ends on June 30 following the next primary election, the person
23 appointed to fill the vacancy shall continue in office until the completion of the term.

24 (2) When the vacancy occurs after the 84th day before a general election and not later
25 than the close of candidate filing for the next succeeding primary election, and the affected term
26 of office does not end on June 30 following the next primary election, an election for the unexpired
27 term shall be held at the next primary election, and the appointment shall continue until June 30
28 following the primary election with the duly elected and certified successor taking office on July 1,
29 following the primary election and serving until the expiration of the original term of office.

30 (3) When the vacancy occurs after the close of candidate filing for the primary election
31 and not later than 84 days before the general election, the vacancy shall be filled by election in
32 the general election, and the appointment shall continue until a successor is elected and certified.

NOTE: The purpose of this bill is to change the method of selecting replacements when a
vacancy occurs in a local school board.

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