

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Engrossed

Senate Bill 588

BY SENATOR AZINGER

[Introduced March 8, 2021; referred
to the Committee on Education]

1 A BILL to amend and reenact §18-9B-17, §18-9B-18, and §18-9B-19 of the Code of West Virginia,
2 1931, as amended, all relating to requiring county boards of education and county
3 superintendents to comply with the instructions of the State Board of Education; expanding
4 remedies that may be used to enforce certain orders of the State Board of School Finance
5 when a county board of education fails or refuses to comply; expanding circumstances
6 under which the State Board of School Finance can withhold payment of state aid from a
7 county board; allowing, under certain circumstances of noncompliance with state law or
8 State Board of Education policy, the State Board of School Finance to require certain
9 actions during the periods of noncompliance; and requiring the State Board of School
10 Finance to report certain actions of enforcement against a county board to the State Board
11 of Education at its next meeting.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9B. STATE BOARD OF SCHOOL FINANCE.

§18-9B-17. Duties of county board and county superintendent.

1 A county board of education and a county superintendent shall comply with the
2 instructions of the state board and Board of School Finance and shall perform the duties required
3 of them in accordance with the provisions of this article.

§18-9B-18. Issuance and enforcement of orders.

1 The board of finance shall enforce the requirements of, and its regulations issued under,
2 this article. The board may issue orders to county boards of education requiring specific
3 compliance with its instructions. If a county board fails or refuses to comply, the board may
4 proceed to enforce its order by any appropriate remedy, including, but not limited to, initiating
5 legal action in any court of competent jurisdiction.

§18-9B-19. Withholding of state aid and other action for noncompliance by county board.

1 (a) The board of finance may withhold payment of state aid from a county board that fails
2 or refuses to comply with the provisions of this ~~article~~ code or the requirements of the state board.
3 made in accordance therewith

4 (b) If the Board of School Finance finds that the action of a county board or county
5 superintendent does not comply with state law or state board policy, and that the noncompliance
6 could adversely impact the delivery of a thorough and equitable education to all students in the
7 county, the Board of School Finance may require the following action during the periods of
8 noncompliance:

9 (1) Approval of meeting agendas by the Board of School Finance;

10 (2) Attendance by the Board of School Finance or designee at county board meetings;

11 and

12 (3) Approval by the Board of School Finance of county-level expenditures.

13 (c) The Board of School Finance shall report any action of enforcement against a county
14 board pursuant to this section or any other provision of law to the state board at its next meeting.