

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 146

BY SENATORS WELD AND RUCKER

[Originating in the Committee on the Judiciary;

reported on February 11, 2022]

1 A BILL to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating
2 to requiring county boards of education, county superintendents, employees of county
3 boards of education, and the West Virginia Public Employees' Grievance Board to give
4 substantial deference to the State Superintendent's interpretations of school law or State
5 Board of Education rules; and providing exceptions to substantial deference requirement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. STATE SUPERINTENDENT OF SCHOOLS.

§18-3-6. Interpretation of school laws and rules of State Board of Education.

1 At the request in writing of any citizen, teacher, school official, county or state officer, the
2 State Superintendent of Schools shall give his or her interpretation of the meaning of any part of
3 school law or rules of the State Board of Education. Except when a state or federal court of
4 competent jurisdiction has already rendered a contrary interpretation of the meaning of part of
5 school law or rules of the State Board of Education, the county boards of education, county
6 superintendents, employees of the county boards of education, and the West Virginia Public
7 Employees' Grievance Board shall give substantial deference to the State Superintendent's
8 interpretation of that part of the school law or rules of the State Board of Education.