WEST virginia legislature

2023 regular session

Introduced

Senate Bill 74

By Senators Weld, Roberts, and Rucker

[Introduced January 11, 2023; referred

to the Committee on the Judiciary]

A BILL to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education, county superintendents, employees of county boards of education, and the West Virginia Public Employees' Grievance Board to give substantial deference to the State Superintendent’s interpretations of school law or State 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.

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