

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5514

By Delegates Statler and Toney

[Introduced February 07, 2024; Referred to the

Committee on Education then Finance

1 A BILL to amend and reenact §18-5-1a and §18-5-4 of the Code of West Virginia, 1931, as
 2 amended, 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 to
 5 complete additional training upon request from the State Superintendent; adding ex officio
 6 members to the county board member training standards review committee; requiring the
 7 State Superintendent to make an annual report to the Legislative Oversight Commission
 8 on Education Accountability relating to county board member training; increasing
 9 compensation for attending meetings; reducing the number of meetings board members
 10 may be compensated to attend; and prohibiting county board members from receiving
 11 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 member-
 4 elect of a county board shall be a citizen and resident in the county in which he or she seeks to
 5 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 hold
 12 another public office while a candidate if he or she resigns from the other public office prior to

13 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 executive
19 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 for
32 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 ~~thirty~~ 30 days of receipt of the request, the Ethics Commission shall issue a
36 written advisory opinion in response to the request and ~~also shall~~ publish the opinion in a manner
37 which, 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 the

39 West Virginia Ethics Commission to the effect that holding a particular office or public office is not a
40 bar from membership on a county board and against whom proceedings are subsequently brought
41 for removal from the county board on the basis of holding that office or offices is entitled to
42 reimbursement by the county board for reasonable attorney's fees and court costs incurred by the
43 member in defending against these proceedings, regardless of the outcome of the proceedings.

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

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

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

56 (d) A person elected to a county board after ~~July 1, 1990~~ July 1, 2024, may not assume the
57 duties of county board member unless he or she has first attended and completed ~~a course of an~~
58 orientation course relating to boardsmanship, ~~and~~ governance effectiveness, and fiscal
59 management which shall be ~~given~~ provided between the date of election and the beginning of the
60 member's term of office under the following conditions:

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

63 (2) Attendance ~~at the session of~~ in the orientation ~~given~~ course provided between the date
64 of election and the beginning of the member's term of office permits the member-elect to assume

65 the duties of county board member, as specified in this section: Provided, That any county board
66 member who is unable to attend the initial training course for good cause, is required to complete
67 the orientation training within 30 days of being sworn in as a county board member.

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

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

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

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

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

90 (B) If the state board elects to exclude time spent in training on school performance issues

91 from the requisite ~~seven~~ twelve hours, the state board shall limit the training to a feasible and
92 practicable amount of time.

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

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

103 (g) The state board shall appoint a committee named the “county board member training
104 standards review committee” whose members shall include the chair of the House Committee on
105 Education and the chair of the Senate Committee on Education, or their designee, which shall
106 serve as non-voting ex officio members. The county board member training standards review
107 committee shall, at a minimum, meet at least annually. Subject to state board approval, the
108 committee shall determine which ~~particular~~ trainings and training organizations shall be approved
109 and whether county board members have satisfied the annual training requirement. Members of
110 the committee serve without compensation but may be reimbursed by their agencies or employers
111 for all reasonable and necessary expenses actually incurred in the performance of their duties
112 under this subsection.

113 (h) On or before January 1, 2025, the State Superintendent shall report annually to the
114 Legislative Oversight Commission on Education Accountability on the activities of the county
115 board member training standards review committee, the types of training provided to county board
116 members, and the level of training participation by county board members.

§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 ~~chapter eighteen-a [§§ 18A-1-1 et seq.] §18A-1-1 et~~
6 seq. of this code, the county board may employ qualified teachers, or those who will qualify by the
7 time they ~~enter upon~~ assume their duties, necessary to fill existing or anticipated vacancies for the
8 current or next ensuing school year. Meetings of the county board shall be held in compliance with
9 the provisions of ~~chapter eighteen-a~~ §18A-1-1 et seq. of this code for purposes relating to the
10 assignment, transfer, termination and dismissal of 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 state
16 board for approval. Reasonable time shall be granted at the hearing to any person who wishes to
17 speak regarding any part of the budget. Notice of the hearing shall be published as a Class I legal
18 advertisement in compliance with the provisions of ~~article three [§§ 59-3-1 et seq.], chapter fifty-~~
19 nine §59-3-1 et. seq. of this code.

20 (d) A majority of the members of the county board ~~is~~ constitutes the quorum necessary for
21 the transaction of official business.

22 (e) Board members may receive compensation at a rate not to exceed ~~\$160~~ \$260 per
23 meeting attended, but they may not receive pay for more than ~~fifty~~ 40 meetings in any one fiscal
24 year. Board members who serve on an administrative council of a multicounty vocational center

25 also may receive compensation for attending up to twelve meetings of the council at the same rate
26 as for meetings of the county board: ~~Meetings of the council~~ Provided, That council meetings are
27 not counted as board meetings for purposes of determining the limit on compensable board
28 meetings: Provided, however, That a county board member may not receive compensation under
29 this section if he or she has not fulfilled all the training requirements established in §18-5-1a of this
30 code.

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

34 (g) When, by a majority vote of its members, a county board considers it a matter of public
35 interest, the county board ~~may~~ shall join the West Virginia School Board Association and may join
36 the National School Board Association and ~~may~~ shall pay the dues prescribed by the associations
37 and approved by action of the respective county boards. Membership dues and actual traveling
38 expenses incurred by board members for attending meetings of the West Virginia School Board
39 Association ~~may~~ shall be paid by their respective county boards out of funds available to meet
40 actual expenses of the members, but no allowance may be made except upon ~~sworn itemized~~
41 statements presentation of receipts.

NOTE: The purpose of this bill is enhance training requirements for county boards of education members by increasing the number of hours required for training, authorizing the State Board to require members to attend additional training when beneficial, modifying training topics, increasing the compensation rate for meeting attendance and decreasing the number of meetings members may be compensated to attend, prohibiting compensation to county board members who have not complied with all training requirements and including the chairs of the House and Senate Education Committees as ex officio members of the county board member standards training review committee.

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