

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 2513

By Delegates Toney and Vance

[Reported to the Committee on Education on March

6, 2025]

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 adding to topics required to be covered by the county board of
3 education member orientation; requiring that any county board of education member who
4 is unable to attend the initial orientation training for good cause complete a make-up
5 orientation training within 30 days of being sworn in; requiring any appointed member to
6 attend and complete a make-up orientation training within 30 days of being sworn in;
7 increasing annual hours of training required of county board of education members;
8 modifying topics required to be covered by training; allowing the State Board of Education
9 to require a county board of education member to attend additional training under certain
10 conditions; creating an exception to the requirement that a county board of education
11 member satisfy the annual training requirement before January 1; adding certain non-
12 voting ex officio members to the County Board Member Training Standards Review
13 Committee; requiring the State Superintendent of Schools to report to the Legislative
14 Oversight Commission on Education Accountability certain county board of education
15 related information; and setting the county board of education member compensation rate
16 at \$260 per meeting attended unless the board votes to approve a lower rate.

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;

(3) May not engage in the following political activities:

(A) Become a candidate for or hold any other public office, other than to succeed ~~him~~ himself or herself as a member of a county board subject to the following:

(i) A candidate for a county board, who is not currently serving on a county board, may hold another public office while a candidate if he or she resigns from the other public office prior to taking the oath of office as a county board member.

(ii) The term "public office" as used in this section does not include service on any other board, elected or appointed, profit or nonprofit, under the following conditions:

(I) The person does not receive compensation; and

(II) The primary scope of the board is not related to public schools.

(B) Become a candidate for, or serve as, an elected member of any political party executive committee;

(C) Become a candidate for, or serve as, a delegate, alternate or proxy to a national political party convention;

(D) Solicit or receive political contributions to support the election of, or to retire the campaign debt of, any candidate for partisan office;

(4) May engage in any or all of the following political activities:

(A) Make campaign contributions to partisan or bipartisan candidates;

(B) Attend political ~~fund-raisers~~ fundraisers for partisan or bipartisan candidates;

(C) Serve as an unpaid volunteer on a partisan campaign;

(D) Politically endorse any candidate in a partisan or bipartisan election; or

(E) Attend a county, state, or national political party convention.

(b) A member or member-elect of a county board, or a person desiring to become a member of a county board, may make a written request to the West Virginia Ethics Commission for an advisory opinion to determine if another elected or appointed position held or sought by the

person is an office or public office which would bar service on a county board pursuant to subsection (a) of this section.

(1) Within 30 days of receipt of the request, the Ethics Commission shall issue a written advisory opinion in response to the request and shall publish the opinion in a manner which, to the fullest extent possible, does not reveal the identity of the person making the request.

(2) A county board member who relies in good faith upon an advisory opinion issued by the West Virginia Ethics Commission to the effect that holding a particular office or public office is not a bar from membership on a county board and against whom proceedings are subsequently brought for removal from the county board on the basis of holding that office or offices, is entitled to reimbursement by the county board for reasonable attorney's fees and court costs incurred by the member in defending against these proceedings, regardless of the outcome of the proceedings.

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

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

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

(d) A person elected to a county board after ~~July 1, 1990~~ July 1, 2024, may not assume the duties of county board member unless he or she has first attended and completed ~~a course of an~~ orientation training relating to boardsmanship and governance effectiveness, and fiscal

management, which shall be ~~given~~ provided between the date of election and the beginning of the member's term of office under the following conditions:

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

(2) Attendance ~~at the session of~~ in the orientation ~~given~~ training between the date of election and the beginning of the member's term of office permits the member-elect to assume the duties of county board member, as specified in this section: Provided, That any county board member who is unable to attend the initial orientation training for good cause, is required to complete a make-up orientation training within 30 days of being sworn in as a county board member;

(3) Members appointed to the county board shall attend and complete ~~the next an~~ orientation ~~course offered following their appointment~~ training within 30 days of being appointed; and

(4) The provisions of this subsection relating to orientation training do not apply to members who have taken office prior to ~~July 1, 1988~~ July 1, 2025, and who serve continuously from that date forward.

(e) Annually, effective July 1, 2025, each member of a county board shall receive ~~seven~~ twelve hours of training in areas relating to boardsmanship, governance effectiveness, fiscal management, and school performance issues including, but not limited to, pertinent state and federal statutes such as the "Process for Improving Education" set forth in §18-2E-5 of this code and the ~~"No Child Left Behind Act"~~ Every Student Succeeds Act (ESSA), the Individuals with Disabilities Education and Improvement Act of 2004 (IDEA), and their respective administrative rules: Provided, That the State Board may require any county board member to attend additional training if they believe that the training would be beneficial in assisting the member in successfully fulfilling his or her duties on the county board as requested by the State Superintendent.

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

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

(B) If the state board elects to exclude time spent in training on school performance issues from the requisite ~~seven~~ twelve hours, the state board shall limit the training to a feasible and practicable amount of time.

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

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

(g) The state board shall appoint a committee named the "County Board Member Training Standards Review Committee" whose members shall include the chair of the Senate Committee on Education and the chair of the House Committee on Education, or their respective designees, which shall serve as non-voting ex officio members. The County Board Member Training Standards Review Committee shall, at a minimum, meet ~~at least~~ annually. Subject to state board approval, the committee shall determine which ~~particular~~ trainings and training organizations shall be approved, and whether county board members have satisfied the annual training requirement. Members of the committee serve without compensation but may be reimbursed by their agencies or employers for all reasonable and necessary expenses actually incurred in the performance of their duties under this subsection.

(h) On or before January 1, 2026, the State Superintendent shall report annually to the Legislative Oversight Commission on Education Accountability on the activities of the County Board Member Training Standards Review Committee, the types of training provided to county board members, the level of training participation by county board members, and the number of board meetings held.

(i) Notwithstanding the provisions of §6-5-5 of this code, no person who has been convicted of an offense under the §61-8A-1 *et seq.*, §61-8B-1 *et seq.*, §61-8C-1 *et seq.*, and §61-8D-1 *et seq.* of this code in which the victim is a minor may hold office as a member of a county board.

§18-5-4. Meetings; employment and assignment of teachers; budget hearing; compensation of members; affiliation with state and national associations.

(a) The county board shall meet on the dates provided by law, and at any other times the county board deems necessary. Subject to adequate public notice, nothing in this section prohibits the county board from conducting regular meetings in facilities within the county other than the county board office. At any meeting authorized in this section and held in compliance with the provisions of §18A-1-1 *et seq.* of this code, the county board may employ qualified teachers, or those who will qualify by the time they assume their duties, necessary to fill existing or anticipated vacancies for the current or next ensuing school year. Meetings of the county board shall be held in compliance with the provisions of §18A-1-1 *et seq.* of this code for purposes relating to the assignment, transfer, termination and dismissal of teachers and other school employees.

(b) Special meetings may be called by the president or any three members, but no business may be transacted other than that designated in the call.

(c) In addition, a public hearing shall be held concerning the preliminary operating budget for the next fiscal year not fewer than ten days after the budget has been made available to the public for inspection and within a reasonable time prior to the submission of the budget to the state board for approval. Reasonable time shall be granted at the hearing to any person who wishes to

16 speak regarding any part of the budget. Notice of the hearing shall be published as a Class I legal
17 advertisement in compliance with the provisions of §59-3-1 *et. seq.* of this code.

18 (d) A majority of the members of the county board constitutes the quorum necessary for the
19 transaction of official business.

20 (e) Board members ~~may shall~~ receive compensation at ~~a rate not to exceed~~ the rate of
21 \$260 per meeting attended, unless the Board votes to approve a lower rate, but they may not
22 receive pay for more than 40 meetings in any one fiscal year. Board members who serve on an
23 administrative council of a multicounty vocational center also may receive compensation for
24 attending up to twelve meetings of the council at the same rate as for meetings of the county
25 board: *Provided*, That council meetings are not counted as board meetings for purposes of
26 determining the limit on compensable board meetings: *Provided, however*, That a county board
27 member who is in default of a training requirement established in §18-5-1a of this code shall not,
28 until after the default is cured, receive compensation for any meeting held during the period of
29 default. For purposes of compensation, a member in default of a training requirement may cure
30 the default by completing the unfulfilled training requirements within three months of the default.
31 Upon curing the default, the member shall receive compensation, without interest, for the
32 meetings held during the period of default: *Provided, further*, That up to five paid meetings may be
33 provided when planning for activities such as running an election for excess levy, construction
34 bond hearings, school closure hearings, personnel hearings, student expulsion hearings, and in
35 the case of a disaster: *And provided further*, That members shall be paid for up to two trainings.

36 (f) Members also shall be paid, upon the presentation of receipts, for all necessary
37 traveling expenses, including all authorized meetings, incurred on official business, at the order of
38 the county board.

39 (g) When, by a majority vote of its members, a county board considers it a matter of public
40 interest, the county board shall join the West Virginia School Board Association and may join the
41 National School Board Association and shall pay the dues prescribed by the associations and

42 approved by action of the respective county boards. Membership dues and actual traveling
43 expenses incurred by board members for attending meetings of the West Virginia School Board
44 Association shall be paid by their respective county boards out of funds available to meet actual
45 expenses of the members, but no allowance may be made except upon presentation of receipts.