

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3454

By Delegate Ridenour

[Introduced March 17, 2025; referred to the
Committee on Education then the Judiciary]

1 A BILL to amend and reenact §18-5-1a of the Code of West Virginia, 1931, as amended, relating to
2 allowing currently serving members of county school boards to retain their position on the
3 board during a campaign for other public office.

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 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~~ Hold any other public office, other than to succeed him
10 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. Additionally, a currently serving member of a
14 county board may retain their place on the board during the pendency of any campaign for any
15 other public office, regardless of whether that election is partisan or not.

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

18 (I) The person does not receive compensation; and

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

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

21 committee;

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

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

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

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

28 (B) Attend political fund raisers for partisan or bipartisan candidates;

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

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

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

32 (b) A member or member-elect of a county board, or a person desiring to become a
33 member of a county board, may make a written request to the West Virginia Ethics Commission for
34 an advisory opinion to determine if another elected or appointed position held or sought by the
35 person is an office or public office which would bar service on a county board pursuant to
36 subsection (a) of this section.

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

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

46 (3) A vote cast by the member at a meeting of the county board may not be invalidated due

47 to a subsequent finding that holding the particular office or public office is a bar to membership on
48 the county board.

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

54 (c) To be eligible for election or appointment as a member of a county board, a person shall
55 possess at least a high school diploma or a general educational development (GED) diploma. This
56 provision does not apply to members or members-elect who have taken office prior to May 5,
57 1992, and who serve continuously from that date forward.

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

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

64 (2) Attendance at the session of orientation given between the date of election and the
65 beginning of the member's term of office permits the member-elect to assume the duties of county
66 board member, as specified in this section;

67 (3) Members appointed to the county board shall attend and complete the next orientation
68 course offered following their appointment; and

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

71 (e) Annually, each member of a county board shall receive seven clock hours of training in
72 areas relating to boardsmanship, governance effectiveness, 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" and their respective administrative rules.

(1) The orientation and training 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; and

(B) If the state board elects to exclude time spent in training on school performance issues from the requisite seven 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 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. 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 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) Notwithstanding the provisions of §6-5-5 of this code, no person who has been

99 convicted of an offense under the §61-8A-1 *et seq.*, §61-8B-1 *et seq.*, §61-8C-1 *et seq.*, and §61-
100 8D-1 *et seq.* of this code in which the victim is a minor may hold office as a member of a county
101 board.

NOTE: The purpose of this bill is to allow currently serving members of county school boards to retain their position on the board during a campaign for other public office.

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