

# **WEST VIRGINIA LEGISLATURE**

**2025 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 284**

BY SENATOR GRADY

[Reported February 28, 2025, from the Committee on  
Education]



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 appointed;  
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; including trainings required by the State Board of Education with those  
11 trainings for which failure to attend and complete without good cause constitutes neglect  
12 of duty; removing January 1 deadline for the requirement that a county board of education  
13 member satisfy the annual training requirement in the final year of any four-year term of  
14 office and creating exception to that requirement; adding certain non-voting ex officio  
15 members to the County Board Member Training Standards Review Committee; requiring  
16 the State Superintendent of Schools to report annually to the Legislative Oversight  
17 Commission on Education Accountability certain County Board Member Training  
18 Standards Review Committee and county board member training-related information;  
19 setting the county board of education member compensation rate at \$260 per meeting  
20 attended unless the board votes to approve a lower rate; and excepting payment for  
21 mileage from the requirement for presentation of receipts.

*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:

(1) Shall be a citizen and resident in the county in which he or she serves on the county board. ~~Also, a~~ A person who is a candidate for membership on a county board or who is a member-elect of a county board shall be a citizen and resident in the county in which he or she seeks to serve on the county board;

(2) May not be employed by the county board on which he or she serves, including 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 provided 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~~ eleven 12 hours of training in areas relating to boardsmanship, governance effectiveness, fiscal management, and school performance issues including, but not limited to, pertinent state and

79 federal statutes such as the "Process for Improving Education" set forth in §18-2E-5 of this code,  
80 and the "~~No Child Left Behind Act~~" Every Student Succeeds Act (ESSA), the Individuals with  
81 Disabilities Education Improvement Act of 2004 (IDEA), and their respective administrative rules:  
82 Provided, That the state board may require any county board member to attend additional training  
83 if they believe that the training would be beneficial in assisting the member in successfully fulfilling  
84 his or her duties on the county board as requested by the State Superintendent.

85 (1) ~~The orientation and training~~ All training required in this section shall be approved by  
86 the state board and conducted by the West Virginia School Board Association or other  
87 organization or 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~~ 12-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~~ 12 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 training, annual training, or  
95 training required by the state board, without good cause, as determined by the state board by  
96 duly promulgated legislative rules, constitutes neglect of duty under §6-6-7 of this code.

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

102 (g) The state board shall appoint a committee named the County Board Member Training  
103 Standards Review Committee whose members shall include the chair of the Senate Committee  
104 on Education and the chair of the House Committee on Education, or their respective designees,

105 which shall serve as non-voting ex officio members. The County Board Member Training  
106 Standards Review Committee shall, at a minimum, meet at least annually. Subject to state board  
107 approval, the committee shall determine which ~~particular~~ trainings and training organizations shall  
108 be approved, and whether county board members have satisfied the annual training requirement.  
109 Members of the committee serve without compensation but may be reimbursed by their agencies  
110 or employers for all reasonable and necessary expenses actually incurred in the performance of  
111 their duties under this subsection.

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

117 (i) Notwithstanding the provisions of §6-5-5 of this code, no person who has been  
118 convicted of an offense under the §61-8A-1 *et seq.*, §61-8B-1 *et seq.*, §61-8C-1 *et seq.*, and §61-  
119 8D-1 *et seq.* of this code in which the victim is a minor may hold office as a member of a county  
120 board.

**§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 on the dates provided by law, and at any other times the  
2 county board deems necessary. Subject to adequate public notice, nothing in this section prohibits  
3 the county board from conducting regular meetings in facilities within the county other than the  
4 county board office. At any meeting authorized in this section and held in compliance with the  
5 provisions of §18A-1-1 *et seq.* of this code, the county board may employ qualified teachers, or  
6 those who will qualify by the time they assume their duties, necessary to fill existing or anticipated  
7 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 10 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 speak regarding any part of the budget. Notice of the hearing shall be published as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et. seq.* of this code.

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

(e) Board members ~~may~~ shall receive compensation at ~~a rate not to exceed the rate of~~ \$260 per meeting attended, unless the board votes to approve a lower rate, but they may not receive pay for more than 40 meetings in any one fiscal year. Board members who serve on an administrative council of a multi-county vocational center also may receive compensation for attending up to 12 meetings of the council at the same rate as for meetings of the county board: *Provided*, That council meetings are not counted as board meetings for purposes of determining the limit on compensable board meetings: *Provided, however*, That a county board member who is in default of a training requirement established in §18-5-1a of this code shall not, until after the default is cured, receive compensation for any meeting held during the period of default. For purposes of compensation, a member in default of a training requirement may cure the default by completing the unfulfilled training requirements within three months of the default. Upon curing the default, the member shall receive compensation, without interest, for the meetings held during the period of default: *Provided, further*, That up to five paid meetings may be provided when planning for activities such as running an election for excess levy, construction bond hearings,

34 school closure hearings, personnel hearings, student expulsion hearings, and in the case of a  
35 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  
38 of the county board: Provided, That the presentation of receipts is not required for payment for  
39 mileage.

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