

# WEST VIRGINIA LEGISLATURE

## 2026 REGULAR SESSION

Introduced

### House Bill 5679

FISCAL  
NOTE

By Delegates Toney, Cooper, and Roop

[Introduced February 17, 2026; referred to the  
Committee on Education]

1 A BILL to amend and reenact §18-5-32, §18-8-4, and §18-9-6 of the Code of West Virginia, 1931,  
2 as amended, relating to modifying school boards and county boards of directors;  
3 authorizing incentives for counties to share treasurers; clarifying at-will employees; and  
4 requiring county directors substitute teach monthly.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 5. COUNTY BOARD OF EDUCATION.**

### **§18-5-32. Assistant superintendents; directors and supervisors of instruction and other educational activities.**

1 (a) The county board, upon the recommendation of the county superintendent, may  
2 employ an assistant whose term of employment may be not less than one nor more than four  
3 years: *Provided*, That his or her term may not extend beyond that of the incumbent county  
4 superintendent.

5 (b) The board may not employ more than one assistant for each two hundred teachers or  
6 major fraction thereof.

7 (c) The county board, upon the recommendation of the county superintendent, is  
8 authorized to employ general and special supervisors or directors of instruction and of other  
9 educational activities as may be considered necessary.

10 (d) The employment of the assistant superintendent shall be on a twelve-month basis. The  
11 period of employment for all others named herein, including county directors who are academic  
12 directors, shall be at the ~~discretion~~ will and pleasure of the county board.

13 (e) Rules for qualifications of assistant superintendents, and directors and supervisors of  
14 instruction and of other educational activities shall be fixed by the state board: *Provided*, That the  
15 qualifications required for any assistant superintendent may not be higher than those required for  
16 the county superintendent: *Provided, however*, That the rules do not affect the status of any  
17 incumbent nor his or her right to succeed himself or herself in his or her assigned position.

18 (f) The county board is authorized to reimburse the employees for their necessary traveling

19 expenses upon presentation of a monthly, itemized, sworn statement approved by the county  
20 superintendent.

21 (g) Any person employed under the foregoing provision of this section, provided he or she  
22 holds a valid teacher's certificate, shall be given continuing contract status as a teacher and shall  
23 hold that status unless dismissed for statutory reasons.

24 (h) The job duties of a professional educator employed under the provisions of this section,  
25 including a professional educator employed as a "supervisor" or "central office administrator" as  
26 defined in section one, article one, chapter eighteen-a of this code, shall include substitute  
27 teaching on at least three instructional days each school year: *Provided*, That the substitute  
28 teaching requirement of this subsection does not apply to the superintendent and those who have  
29 never held a teaching certificate or an administrative certificate.

30 (i) All acts or parts of acts inconsistent with this section are hereby repealed.

**ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

**§18-8-4. Duties of attendance director and assistant directors; complaints, warrants, and  
hearings.**

1 (a) For the purposes of this article, the following definitions apply:

2 (1) "Excused absence" means:

3 (A) A medical or dental appointment with written excuse from physician or dentist;

4 (B) Personal illness or injury of the student accompanied by a timely written excuse from  
5 the student's parent, guardian, or custodian: *Provided*, That the total absences under this section  
6 combined with absences permitted under paragraph (C) of this subdivision do not exceed more  
7 than 10 per school year unless supported by a physician's note: *Provided, however*, That a  
8 medically documented chronic health condition or disability that adversely impacts in-person  
9 attendance approved by a county school board or the principal is not subject to this limitation, and  
10 that absences of students with disabilities shall be in accordance with the Individuals with  
11 Disabilities Education Improvement Act of 2004 and the federal and state regulations adopted in

12 compliance therewith;

13 (C) Personal illness or injury of the student's parent, guardian, custodian, or family  
14 member: *Provided*, That the excuse must provide a reasonable explanation for why the student's  
15 absence was necessary and caused by the illness or injury in the family, and the total absences  
16 under this section in combination with paragraph (B) of this subdivision may not exceed more than  
17 10 excuses per school year;

18 (D) Death in the family;

19 (E) School-approved or county-approved curricular or extra-curricular activities;

20 (F) A judicial obligation or court appearance involving the student;

21 (G) A military requirement for students enlisted or enlisting in the military;

22 (H) Up to five college visits; and

23 (I) A student in any West Virginia Department of Education recognized and sanctioned  
24 student organization to enhance student enrichment and success, including, but not limited to,  
25 SkillsUSA, Future Business Leaders of America (FBLA), Health Occupations Students of America  
26 (HOSA), the Common Ground Partnership, or 4-H or FFA-sanctioned activity or program, subject  
27 to the following:

28 (i) A student who participates in an activity or program sanctioned in paragraph (I) of this  
29 subdivision shall be credited as present by the school in which the student is enrolled in the same  
30 manner as a student participating in an educational field trip. A school principal, or the principal's  
31 designee, shall not count a student absent for participating in an activity or program sanctioned in  
32 paragraph (I) of this subdivision.

33 (ii) An agent of a sanctioned organization set forth in paragraph (I) of this subdivision shall  
34 provide documentation as proof of a student's participation in an activity or program sanctioned in  
35 paragraph (I) of this subdivision.

36 (iii) A student shall make up any schoolwork missed while the student was participating in  
37 an activity or program sanctioned by paragraph (I) of this subdivision and shall not have the

38 student's class grades adversely affected for lack of attendance or participation due to the  
39 student's participation in an activity or program sanctioned in paragraph (I) of this subdivision.

40 (iv) A school principal, or the principal's designee, shall not credit a student who  
41 participates in an activity or program sanctioned in paragraph (I) of this subdivision as present if  
42 the student's participation in the activity or program sanctioned in paragraph (I) of this subdivision  
43 occurs during any period of time for which the student has been suspended, expelled, or assigned  
44 to an alternative school or alternative program under this chapter and the student's suspension,  
45 expulsion, or assignment to an alternative school or alternative program would preclude the  
46 student from participating in an educational field trip.

47 (J) The total amount of excused absences under paragraphs (E), (H), and (I) of this  
48 subdivision may not exceed more than 10 per school year.

49 (K) Nothing in this section shall interfere with the Every Student Succeeds Act (2015),  
50 which does not differentiate between excused and unexcused absences.

51 (2) "Meaningful contact" means two-way communication by the school administrator or  
52 other school designee and the student's parent, guardian, or custodian to discuss the student's  
53 attendance record in an effort to prevent subsequent truancy or other legal proceedings relating to  
54 compulsory school attendance, and to minimize additional absences. Methods of meaningful  
55 contact include, but are not limited to, phone calls, video conferencing, home visits, and the use of  
56 digital platforms.

57 (3) "System of Support Plan" ("SOS Plan") refers to a plan to be developed by the State  
58 Board of Education designed to encourage students to attend school. It shall, at a minimum,  
59 require county attendance directors, principals, or other school designees to make periodic  
60 contact with the parent, guardian, or custodian of a student subject to compulsory school  
61 attendance to ascertain the reason or reasons for the student's absence or absences and what  
62 measures the school may employ to assist the student in attending school and not incurring  
63 additional absences. It shall also impart upon the student's parents, guardians, and custodians the

64 importance of the student's attendance and the seriousness of failing to do so.

65 (4) "Unexcused absence" means any absence not specifically included in the definition of  
66 "excused absence".

67 (b) The county attendance director and his or her assistants shall diligently promote regular  
68 school attendance. The director and assistants shall:

69 (1) Ascertain the reasons for unexcused absences from school of students of compulsory  
70 school age; and students who remain enrolled beyond the compulsory school age;

71 (2) Ensure the implementation of the SOS Plan as developed by the state board, including  
72 encouraging the attendance of students and imparting upon the parents, guardians, and  
73 custodians the important of attendance and the seriousness of failing to do so.

74 (c) All documentation relating to absences shall be provided to the school no later than  
75 three instructional days after the first day the student returns to school. In the event  
76 documentation is not provided to the school within three instructional days after the first day the  
77 student returns to school, the absences are unexcused.

78 (d) In the case of three total unexcused absences of a student during a school year, the  
79 attendance director, his or her assistant, or the principal shall make meaningful contact with the  
80 parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences  
81 and what measures the school may employ to assist the student in attending and not incurring any  
82 additional unexcused absences.

83 (e) In the case of five total unexcused absences, the attendance director, his or her  
84 assistant or the principal shall again make meaningful contact with the parent, guardian, or  
85 custodian of the student to ascertain the reasons for the unexcused absences and what measures  
86 the school may employ to assist the student in attending school and not incurring any additional  
87 unexcused absences.

88 (f) In the case of 10 total unexcused absences of a student during a school year, the  
89 attendance director or assistant may make a complaint against the parent, guardian, or custodian

90 before a magistrate of the county. If it appears from the complaint that there is probable cause to  
91 believe that an offense has been committed and that the accused has committed it, a summons or  
92 a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the  
93 summons or to arrest persons charged with offenses against the state. More than one parent,  
94 guardian, or custodian may be charged in a complaint. Initial service of a summons or warrant  
95 issued pursuant to the provisions of this section shall be attempted within 10 calendar days of  
96 receipt of the summons or warrant and subsequent attempts at service shall continue until the  
97 summons or warrant is executed or until the end of the school term during which the complaint is  
98 made, whichever is later.

99 (g) The magistrate court clerk, or the clerk of the circuit court performing the duties of the  
100 magistrate court as authorized in §50-1-8 of this code, shall assign the case to a magistrate within  
101 10 days of execution of the summons or warrant. The hearing shall be held within 20 days of the  
102 assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the  
103 accused at least 10 days' advance notice of the date, time, and place of the hearing.

104 (h) When any doubt exists as to the age of a student absent from school, the attendance  
105 director and his or her assistants may require a properly attested birth certificate or an affidavit  
106 from the parent, guardian, or custodian of the student stating the age of the student. In the  
107 performance of his or her duties, the county attendance director and his or her assistants have  
108 authority to take without warrant any student absent from school in violation of the provisions of  
109 this article and to place the student in the school in which he or she is or should be enrolled.

110 (i) The county attendance director and his or her assistants shall devote as much time as is  
111 required to the duties of attendance director in accordance with this section during the instructional  
112 term and at any other times as the duties of an attendance director are required. All attendance  
113 directors and assistants hired for more than 200 days may be assigned other duties determined by  
114 the superintendent during the period in excess of 200 days. The county attendance director is  
115 responsible under direction of the county superintendent for efficiently administering school

116 attendance in the county.

117 (j) In addition to those duties directly relating to the administration of attendance, the  
118 county attendance director and his or her assistant directors also shall perform the following  
119 duties:

120 (1) Assist in directing the taking of the school census to see that it is taken at the time and in  
121 the manner provided by law;

122 (2) Confer with principals and teachers on the comparison of the school census and  
123 enrollment for the detection of possible non-enrollees;

124 (3) Cooperate with existing state and federal agencies charged with enforcing child labor  
125 laws;

126 (4) Promote attendance in the county by compiling data for schools and by furnishing  
127 suggestions and recommendations for publication through school bulletins and the press, or in  
128 any manner directed by the county superintendent;

129 (5) Participate in school teachers' conferences with parents and students;

130 (6) Assist in any other ways directed by the county superintendent for improving school  
131 attendance;

132 (7) Make home visits of students who have excessive unexcused absences, as provided in  
133 subsection (a) of this section, or if requested by the chief administrator, principal, or assistant  
134 principal; ~~and~~

135 (8) Serve as the liaison for homeless children and youth and

136 (9) Substitute teach in a classroom three days per month, when a substitute teacher is  
137 unavailable.

## **ARTICLE 9. SCHOOL FINANCES.**

### **§18-9-6. Transfer of moneys; appointment of treasurer; bonding of treasurer; approval of bank accounts; authority to invest; security for funds invested.**

1 The sheriff of each county shall remit to the board of education all moneys in his or her

2 possession held on behalf of the county board of education, whether or not deposited in a bank or  
3 depository, unless the sheriff has been designated treasurer of the board of education as provided  
4 in this section. The transfer of funds shall be made as of the balances on hand on June 30 of the  
5 year in which the board of education appoints a treasurer other than the sheriff, and shall be  
6 completed no later than August 1 of that year. The transfer shall be adjudged complete and final  
7 upon the approval of the sheriff's official settlement for the fiscal year ending on June 30 of the  
8 year in which the board of education appoints a treasurer other than the sheriff, and any minor  
9 adjustment made necessary by the actually known figures shall also be made at that time. All  
10 balances in all county school funds at the end of each month after June 30 of the year in which the  
11 board of Education appoints a treasurer other than the sheriff shall be transferred by the sheriff to  
12 the county board of education not later than the tenth day of the following month.

13 On or before the first Monday in May each county board of education shall upon  
14 recommendation of the county superintendent appoint a treasurer for the board. The treasurer is  
15 the fiscal officer of the board, or an employee commonly designated as the person in charge of the  
16 financial affairs of the county board, or the county sheriff: *Provided*, That once a board of education  
17 has appointed a treasurer other than the sheriff, the sheriff may not be named treasurer of the  
18 board in a subsequent year. Upon appointment this person shall be titled and referred to as  
19 treasurer of the board of education. For the faithful performance of this duty, the treasurer shall  
20 execute a bond, to be approved by the board of education, in the penalty to be fixed by the board of  
21 education, not to exceed the amount of school funds which it is estimated the treasurer will handle  
22 within any period of two months. The premium on the bond shall be paid by the board of education.  
23 The board of education shall provide incentives to implement the sharing of treasurers with other  
24 counties.

25 The board of education may open a bank account, or accounts, as required to adequately  
26 and properly transact the business of the district in a depository, or banks, within the county. The  
27 depositories, or banks, shall provide bond to cover the maximum amount to be deposited at any

28 one time. However, the county board of education may, in lieu of such bond, accept as security for  
29 money deposited letters of credit from a federal home loan bank, securities of the United States, or  
30 of a state, county, district or municipal corporation, or federal agency securities: *Provided*, That a  
31 banking institution is not required to provide a bond or security in lieu of bond if the deposits  
32 accepted are placed in certificates of deposit meeting the following requirements: (1) The funds  
33 are invested through a designated state depository selected by the county board of education; (2)  
34 the selected depository arranges for the deposit of the funds in certificates of deposit in one or  
35 more banks or savings and loan associations wherever located in the United States, for the  
36 account of the county board of education; (3) the full amount of principal and accrued interest of  
37 each certificate of deposit is insured by the Federal Deposit Insurance Corporation; (4) the  
38 selected depository acts as custodian for the county board of education with respect to such  
39 certificates of deposit issued for the county's account; and (5) on the same date the public moneys  
40 are redeposited by the public depository, the public depository may, in its sole discretion, choose  
41 whether to receive deposits, in any amount, from other banks, savings banks, or savings and loan  
42 associations: *Provided, however*, That a banking institution is not required to provide a bond or  
43 security in lieu of bond if the deposits accepted are placed in a designated state depository that is  
44 selected and authorized by the county board of education to arrange for the redeposit of the funds  
45 through a deposit placement program that meets the following conditions: (1) On or after the date  
46 that the county board of education funds are received the selected depository: (i) Arranges for the  
47 redeposit of the funds into deposit accounts in one or more federally insured banks or savings and  
48 loan associations that are located in the United States; and (ii) serves as custodian for the county  
49 with respect to the money redeposited into such accounts. (2) County board of education funds  
50 deposited in a selected depository in accordance with this section and held at the close of  
51 business in the selected depository in excess of the amount insured by the Federal Deposit  
52 Insurance Corporation shall be secured in accordance with the second and third sentences of this  
53 paragraph. (3) The full amount of the funds of the county board of education redeposited by the

54 selected depository into deposit accounts in banks or savings and loan associations pursuant to  
55 this section (plus accrued interest, if any) shall be insured by the Federal Deposit Insurance  
56 Corporation. (4) On the same date the public moneys are redeposited by the public depository, the  
57 public depository may, in its sole discretion, choose whether to receive deposits, in any amount,  
58 from other banks, savings banks, or savings and loan associations.

59         One hundred ten percent of the face or par value of the securities may not be less than the  
60 sum hereinbefore specified as the amount to be named in the bond in lieu of which the securities  
61 are accepted, or the county board of education may accept the securities as partial security to the  
62 extent of their face value for the money so deposited and require bond for the remainder of the full  
63 amount hereinbefore specified, to be named in the bond, and, in the bond so required, the  
64 acceptance of securities as partial security and the extent thereof shall be set forth. The  
65 hypothecation of the securities shall be by proper legal transfer as collateral security to protect and  
66 indemnify by trust any and all loss in case of any default on the part of the banking institution in its  
67 capacity as depository as aforesaid. All such securities shall be delivered to or deposited for the  
68 account of the county board of education, and withdrawal or substitution thereof may be permitted  
69 from time to time upon approval by the county board of education by order of record, but the  
70 collateral security shall be released only by order of record of the county board of education when  
71 satisfied that full and faithful accounting and payment of all the moneys has been made under the  
72 provisions hereof. If actual possession of the hypothecated securities is delivered to the county  
73 board of education, it shall make ample provision for the safekeeping thereof, and the interest  
74 thereon when paid shall be turned over to the banking institution, so long as it is not in default as  
75 aforesaid. The county board of education may permit the deposit under proper receipt of such  
76 securities with one or more banking institutions within the State of West Virginia and may contract  
77 with any such institution for safekeeping and exchange of any such hypothecated securities, and  
78 may prescribe the rules for handling and protecting the same.

79         On and after July 1, 1973, all levies and any other school moneys received by the sheriff

80 and paid to the treasurer of the county board of education shall be deposited in these accounts,  
81 and all proper payments from such funds shall be made by the designated depository or bank  
82 upon order or draft presented for payment and signed by the duly authorized signatories of the  
83 Board of Education: *Provided*, That in determining the depository for Board of Education funds a  
84 board member who has a pecuniary interest in a bank within the county shall not participate in the  
85 determination of the depository for such funds.

86 If it is considered that sufficient funds are on hand in any account at any one time which  
87 may be more than are normally required for the payment of incurred expenses, the funds in the  
88 amount so considered available may be invested by the treasurer of the county board with the  
89 West Virginia Municipal Bond Commission, or in guaranteed certificates of deposit issued by the  
90 depository or bank, or other guaranteed investments such as treasury bills, treasury notes or  
91 certificates of deposit issued by either the United States government or a banking institution in  
92 which federal or state guarantees are applicable. Interest earned in such investments is to be  
93 credited to the fund from which the moneys were originally available.

NOTE: The purpose of this bill is to modify school boards and county boards of directors.

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