

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4788

By Delegates Ridenour, Hillenbrand, Butler,
Funkhouser, Jennings, Foggin, Mazzocchi, Jeffries,
Ellington, Martin, and Dillon

[Introduced January 23, 2026; 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. A person who is a candidate for membership on a county board or who is a member-elect of
4 a county board shall be a citizen and resident in the county in which he or she seeks to serve on
5 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 a candidate for or hold~~ Hold any other public office,
10 other than to succeed 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. 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 fundraisers 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 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, 2024, may not assume the duties of
59 county board member unless he or she has first attended and completed an orientation training
60 relating to boardsmanship governance effectiveness, and fiscal management, which shall be
61 provided between the date of election and the beginning of the member's term of office under the
62 following conditions:

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

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

70 (3) Members appointed to the county board shall attend and complete an 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, 2025, and who serve continuously from that date
74 forward.

75 (e) Annually, effective July 1, 2025, each member of a county board shall receive twelve
76 hours of training in areas relating to boardsmanship, governance effectiveness, fiscal
77 management, and school performance issues including, but not limited to, pertinent state and
78 federal statutes such as the "Process for Improving Education" set forth in §18-2E-5 of this code
79 and the Every Student Succeeds Act (ESSA), the Individuals with Disabilities Education and
80 Improvement Act of 2004 (IDEA), and their respective administrative rules: Provided, That the
81 state board may require any county board member to attend additional training if they believe that
82 the training would be beneficial in assisting the member in successfully fulfilling his or her duties on
83 the county board as requested by the State Superintendent.

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

87 (A) The state board may exclude time spent in training on school performance issues from
88 the requisite twelve-hour requirement; and

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

92 (2) Failure to attend and complete the orientation training, annual training, or training
93 required by the state board, without good cause, as determined by the state board by duly
94 promulgated legislative rules, constitutes neglect of duty under §6-6-7 of this code.

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

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

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

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.