

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2151**

4 (By Delegates Perry, Pasdon, Phillips, L., Rowan, Ambler, Cooper,
5 Espinosa, Pethtel, Romine, Longstreth and Moye)

6
7 (Originating in the House Committee on Education)

8 [February 2, 2015]

9
10 A BILL to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended, relating to
11 making the West Virginia State Teacher of the Year an ex officio, nonvoting member of the
12 West Virginia Board of Education; and providing reasonable and necessary expenses
13 therefor.

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

15 That §18-2-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted
16 to read as follows:

17 **ARTICLE 2. STATE BOARD OF EDUCATION.**

18 **§18-2-1. Creation; composition; appointment, qualifications, terms and removal of members;
19 offices.**

20 (a) There is a State Board of Education, to be known as the West Virginia Board of
21 Education, which is a corporation and as such may contract and be contracted with, plead and be
22 impleaded, sue and be sued, and have and use a common seal. The state board consists of ~~twelve~~
23 thirteen members ~~of whom one is~~ as follows:

24 (1) The State Superintendent of Schools, ex officio, non-voting; ~~one of whom is~~

1 (2) The Chancellor of the Higher Education Policy Commission, ex officio, non-voting; and
2 ~~one of whom is~~

3 (3) The Chancellor of the West Virginia Council for Community and Technical College
4 Education, ex officio, ~~none of whom is entitled to vote. The other nine members are citizens of the~~
5 non-voting;

6 (4) The West Virginia State Teacher of the Year, ex officio, non-voting; and

7 (5) Nine members who are citizens of the state, appointed by the Governor, by and with the
8 advice and consent of the Senate.

9 (b) Appointed members serve for overlapping terms of nine years. Terms of office begin on
10 November 5, of the appropriate year and end on November 4, of the appropriate year.

11 (c) At least two, but not more than three, members are appointed from each congressional
12 district. No more than five of the ~~appointive~~ appointed members may belong to the same political
13 party. ~~and no person is eligible for appointment to membership on~~ A person may not be appointed
14 to the state board who:

15 (1) Is a member of any political party executive committee; ~~or~~

16 (2) Holds any ~~other~~ public office or public employment under the federal government or
17 under the government of this state or any of its political subdivisions; or ~~who~~

18 (3) Is an appointee or employee of the board.

19 (d) Members are eligible for reappointment. The Governor shall appoint a member to fill any
20 vacancy on the board ~~shall be filled by the Governor by appointment~~ for the remainder of the
21 unexpired term.

22 (e) Notwithstanding the provisions of section four, article six, chapter six of this code, a
23 member of the state board may not be removed from office by the Governor except for official

1 misconduct, incompetence, neglect of duty or gross immorality and then only in the manner
2 prescribed by law for the removal by the Governor of state elective officers.

3 (f) Before exercising any authority or performing any duties as a member of the state board,
4 each member shall qualify as such by taking and subscribing to the oath of office prescribed by
5 section five, article IV of the Constitution of West Virginia. ~~the certificate whereof~~ A certificate
6 of each member's oath shall be filed with the Secretary of State.

7 (g) A suitable office in the state Department of Education at the State Capitol shall be
8 provided ~~for use by~~ to the State Board.

9 (h) Notwithstanding the provisions of section three of this article, the state board shall
10 reimburse the West Virginia State Teacher of the Year for all reasonable and necessary expenses
11 actually incurred in the performance of his or her duties.