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H. B. 2151

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3 (By Delegate Perry, Pasdon, Phillips, L., Rowan, Ambler, Cooper, Espinosa, Pethel, Romine,
4 Longstreth and Moye)

5 [Introduced January 20, 2015; referred to the
6 Committee on Education.]

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11 A BILL to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended, relating to
12 making the West Virginia state teacher of the year an ex officio, nonvoting member of the
13 West Virginia Board of Education.

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

1 of whom one is the state Superintendent of Schools, ex officio; one of whom is the chancellor of the
2 Higher Education Policy Commission, ex officio; ~~and~~ one of whom is the chancellor of the West
3 Virginia council for community and technical college education, ex officio; and one of whom is the
4 West Virginia state teacher of the year, ex officio, none of whom is entitled to vote. The other nine
5 members are citizens of the state, appointed by the Governor, by and with the advice and consent
6 of the Senate, for overlapping terms of nine years. Terms of office begin on November 5, of the
7 appropriate year and end on November 4, of the appropriate year. At least two, but not more than
8 three, members are appointed from each congressional district.

9 No more than five of the appointive members may belong to the same political party and no
10 person is eligible for appointment to membership on the state board who is a member of any political
11 party executive committee or holds any other public office or public employment under the federal
12 government or under the government of this state or any of its political subdivisions, or who is an
13 appointee or employee of the board. Members are eligible for reappointment. Any vacancy on the
14 board shall be filled by the Governor by appointment for the unexpired term.

15 Notwithstanding the provisions of section four, article six, chapter six of this code, a member
16 of the state board may not be removed from office by the Governor except for official misconduct,
17 incompetence, neglect of duty or gross immorality and then only in the manner prescribed by law
18 for the removal by the Governor of state elective officers.

19 Before exercising any authority or performing any duties as a member of the state board, each
20 member shall qualify as such by taking and subscribing to the oath of office prescribed by section
21 five, article IV of the Constitution of West Virginia, the certificate whereof shall be filed with the
22 Secretary of State. A suitable office in the state Department of Education at the state Capitol shall

1 be provided for use by the state board.

NOTE: The purpose of this bill is to make the West Virginia state teacher of the year an ex officio, nonvoting member of the West Virginia Board of Education.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.