

H. B. 2465

(By Delegates Hamrick and Butler)

[Introduced January 28, 2015 ; referred to the
Committee on Education then the Judiciary.]

A BILL to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Board of Education; requiring election of six members; requiring the Governor to appoint three members; providing six-year terms; and including residency requirements.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. STATE BOARD OF EDUCATION.

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

(a)(1) There is a State Board of Education, to be known as the West Virginia Board of Education, which is a corporation and as such may contract and be contracted with, plead and be impleaded, sue and be sued, and have and use a common seal. The state board consists of twelve

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

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

15 (3) This subdivision becomes effective upon the ratification of the Constitutional amendment
16 authorizing the election of members of the West Virginia Board of Education in 2016.
17 Notwithstanding subdivisions (1) and (2) of this subsection, beginning January 1, 2017, the board
18 consists of six elected members who are elected on a nonpartisan basis and three members appointed
19 by the Governor, by and with the advice and consent of the Senate. At the first election after the
20 ratification of the Constitutional amendment authorizing the election of members six members shall
21 be elected, half for four-year terms and half for six-year terms. After that all members shall be
22 elected for six-year terms. There may be no more than two members elected who are residents of

1 the same congressional district and they may not be residents of the same county. Each candidate
2 seeking election as a board member at the first election after the ratification of the Constitutional
3 amendment authorizing the election of members shall designate whether he or she is seeking a four-
4 year term or a six-year term. The members appointed by the Governor serve for six-year terms,
5 except that of the members appointed after the ratification of the Constitutional amendment
6 authorizing the election of members one shall be appointed to a two-year term, one to a four-year
7 term and one to a six-year term.

8 **(b)** Notwithstanding the provisions of section four, article six, chapter six of this code, a
9 member of the state board may not be removed from office by the Governor except for official
10 misconduct, incompetence, neglect of duty or gross immorality and then only in the manner
11 prescribed by law for the removal by the Governor of state elective officers.

12 **(c)** Before exercising any authority or performing any duties as a member of the state board,
13 each member shall qualify ~~as such~~ by taking and subscribing to the oath of office prescribed by
14 section five, article IV of the Constitution of West Virginia. The certificate ~~whereof~~ of the oath shall
15 be filed with the Secretary of State. The state board shall provide a suitable office in the State
16 Department of Education at the state Capitol ~~shall be provided~~ for use by the state board.

NOTE: The purpose of this bill is to authorize the election of and specify qualifications for the members of the West Virginia Board of Education.

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