

E N G R O S S E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2151

(BY DELEGATE(S) PERRY, PASDON, L. PHILLIPS,
ROWAN, AMBLER, COOPER, ESPINOSA, PETHTEL, ROMINE,
LONGSTRETH AND MOYE)

(Originating in the House Committee on Education)
[February 2, 2015]

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

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, qualifications, terms and removal of members; offices.

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

5 The state board consists of ~~twelve~~ thirteen members ~~of whom~~
6 ~~one is~~ as follows:

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

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

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

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

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

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

22 **(c)** At least two, but not more than three, members are
23 appointed from each congressional district. No more than five of
24 the ~~appointive~~ **appointed** members may belong to the same
25 political party. For new appointments following the effective
26 date of this provision, at least two members shall be a custodial
27 parent of a child, that at the time of the members appointment,
28 attends a public school under the jurisdiction of the state board.
29 ~~and no person is eligible for appointment to membership on A~~
30 **person may not be appointed to** the state board who:

31 **(1)** Is a member of any political party executive committee;
32 ~~or~~

33 **(2)** Holds any ~~other~~ public office or public employment
34 under the federal government or under the government of this
35 state or any of its political subdivisions; or ~~who~~

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

37 **(d)** Members are eligible for reappointment. **The Governor**
38 **shall appoint a member to fill** any vacancy on the board ~~shall be~~

39 ~~filled by the Governor by appointment~~ for the remainder of the
40 unexpired term.

41 (e) Notwithstanding the provisions of section four, article
42 six, chapter six of this code, a member of the state board may not
43 be removed from office by the Governor except for official
44 misconduct, incompetence, neglect of duty or gross immorality
45 and then only in the manner prescribed by law for the removal
46 by the Governor of state elective officers.

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

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

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