

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2465

2015 Carryover

(BY DELEGATES HAMRICK AND BUTLER)

[Introduced January 13, 2016; referred to the
Committee on Education then the Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. STATE BOARD OF EDUCATION.

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

1 (a)(1) There is a State Board of Education, to be known as the West Virginia Board of
 2 Education, which is a corporation and as such may contract and be contracted with, plead and be
 3 impleaded, sue and be sued, and have and use a common seal. The state board consists of
 4 twelve members, of whom one is the State Superintendent of Schools, ex officio; one of whom is
 5 the Chancellor of the Higher Education Policy Commission, ex officio; and one of whom is the
 6 Chancellor of the West Virginia Council for Community and Technical College Education, ex
 7 officio, none of whom is entitled to vote. The other nine members are citizens of the state,
 8 appointed by the Governor, by and with the advice and consent of the Senate, for overlapping
 9 terms of nine years. Terms of office begin on November 5, of the appropriate year and end on
 10 November 4, of the appropriate year. At least two, but not more than three, members are
 11 appointed from each congressional district.

12 (2) No more than five of the appointive members may belong to the same political party
 13 and no person is eligible for appointment to membership on the state board who is a member of
 14 any political party executive committee or holds any other public office or public employment

15 under the federal government or under the government of this state or any of its political
16 subdivisions, or who is an appointee or employee of the board. Members are eligible for
17 reappointment. Any vacancy on the board shall be filled by the Governor by appointment for the
18 unexpired term.

19 (3) This subdivision becomes effective upon the ratification of the Constitutional
20 amendment authorizing the election of members of the West Virginia Board of Education in
21 2016. Notwithstanding subdivisions (1) and (2) of this subsection, beginning January 1, 2017, the
22 board consists of six elected members who are elected on a nonpartisan basis and three
23 members appointed by the Governor, by and with the advice and consent of the Senate. At the
24 first election after the ratification of the Constitutional amendment authorizing the election of
25 members six members shall be elected, half for four-year terms and half for six-year terms. After
26 that all members shall be elected for six-year terms. There may be no more than two members
27 elected who are residents of the same congressional district and they may not be residents of the
28 same county. Each candidate seeking election as a board member at the first election after the
29 ratification of the Constitutional amendment authorizing the election of members shall designate
30 whether he or she is seeking a four-year term or a six-year term. The members appointed by the
31 Governor serve for six-year terms, except that of the members appointed after the ratification of
32 the Constitutional amendment authorizing the election of members one shall be appointed to a
33 two-year term, one to a four-year term and one to a six-year term.

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

38 (c) Before exercising any authority or performing any duties as a member of the state

39 board, each member shall qualify ~~as such~~ by taking and subscribing to the oath of office
40 prescribed by section five, article IV of the Constitution of West Virginia. The certificate ~~whereof~~
41 of the oath shall be filed with the Secretary of State. The state board shall provide a suitable
42 office in the State Department of Education at the state Capitol ~~shall be provided~~ for use by the
43 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.