

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 588

BY SENATOR AZINGER

[Introduced March 8, 2021; referred
to the Committee on Education]

1 A BILL to amend and reenact §18-9B-17, §18-9B-18, and §18-9B-19 of the Code of West Virginia,
2 1931, as amended, all relating to requiring county boards of education and county
3 superintendents to comply with the instructions of the State Board of Education; expanding
4 remedies that may be used to enforce certain orders of the State Board of School Finance
5 when a county board of education fails or refuses to comply; expanding circumstances
6 under which the State Board of School Finance can withhold payment of state aid from a
7 county board; prohibiting county board of education members from being paid under
8 certain circumstances of noncompliance with state law or State Board of Education policy;
9 allowing the State Board of School Finance to require certain actions during periods of
10 noncompliance; and requiring the State Board of School Finance to report certain actions
11 of enforcement against a county board to the State Board of Education at its next meeting.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9B. STATE BOARD OF SCHOOL FINANCE.

§18-9B-17. Duties of county board and county superintendent.

1 A county board of education and a county superintendent shall comply with the
2 instructions of the state board and Board of School Finance and shall perform the duties required
3 of them in accordance with the provisions of this article.

§18-9B-18. Issuance and enforcement of orders.

1 The board of finance shall enforce the requirements of, and its regulations issued under,
2 this article. The board may issue orders to county boards of education requiring specific
3 compliance with its instructions. If a county board fails or refuses to comply, the board may
4 proceed to enforce its order by any appropriate remedy, including, but not limited to, initiating
5 legal action in any court of competent jurisdiction.

§18-9B-19. Withholding of state aid and other action for noncompliance by county board.

1 (a) The board of finance may withhold payment of state aid from a county board that fails
2 or refuses to comply with the provisions of this ~~article~~ code or the requirements of the state board.
3 ~~made in accordance therewith~~

4 (b) If the Board of School Finance finds that the action of a county board or county
5 superintendent does not comply with state law or state board policy, and that noncompliance
6 action could adversely impact the delivery of a thorough and equitable education to all students
7 in the county, members of the county board of education may not be paid pursuant to §18-5-4 of
8 this code. Nonpayment to members pursuant to this section does not relieve a county board
9 member from otherwise adhering to the duties and responsibilities of county board of education
10 members. Payment to members of the county board of education shall resume upon a
11 determination by the Board of School Finance that the county board has taken appropriate action
12 to be in compliance with state law or state board policy. County board of education members may
13 not be reimbursed or otherwise be compensated during the period of the noncompliance:
14 Provided, That the Board of School Finance may require the following action during periods of
15 noncompliance:

- 16 (1) Approval of meeting agendas by the Board of School Finance;
17 (2) Attendance by the Board of School Finance or designee at county board meetings;
18 and
19 (3) Approval by the Board of School Finance of county level expenditures.

20 (c) The Board of School Finance shall report any action of enforcement against a county
21 board pursuant to this section or any other provision of law to the state board at its next meeting.