WEST virginia legislature

2022 regular session

Committee Substitute

for

Senate Bill 146

By Senators Weld and Rucker

[Originating in the Committee on the Judiciary; reported on February 11, 2022]

A BILL to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education, county superintendents, employees of county boards of education, and the West Virginia Public Employees’ Grievance Board to give substantial deference to the State Superintendent’s interpretations of school law or State Board of Education rules; and providing exceptions to substantial deference requirement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. STATE SUPERINTENDENT OF SCHOOLS.

§18-3-6. Interpretation of school laws and rules of State Board of Education.

At the request in writing of any citizen, teacher, school official, county or state officer, the State Superintendent of Schools shall give his or her interpretation of the meaning of any part of school law or rules of the State Board of Education. Except when a state or federal court of competent jurisdiction has already rendered a contrary interpretation of the meaning of part of school law or rules of the State Board of Education, the county boards of education, county superintendents, employees of the county boards of education, and the West Virginia Public Employees’ Grievance Board shall give substantial deference to the State Superintendent’s interpretation of that part of the school law or rules of the State Board of Education.