

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Introduced**

## **Senate Bill 227**

BY SENATOR RUCKER

[Introduced January 12, 2022; 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; allowing, under certain circumstances of noncompliance with state law or  
 8 State Board of Education policy, the State Board of School Finance to require certain  
 9 actions during the periods of noncompliance; and requiring the State Board of School  
 10 Finance to report certain actions of enforcement against a county board to the State Board  
 11 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 of Education and state superintendent and shall perform the duties  
 3 required of them in accordance with the provisions of this article.

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

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

### **§18-9B-19. Withholding of state aid for noncompliance by county board.**

1 (a) The state superintendent may withhold payment of state aid from a county board that  
 2 fails or refuses to comply with the provisions of this ~~article~~ code or the requirements of the state

3 superintendent ~~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 the noncompliance  
6 could adversely impact the delivery of a thorough and equitable education to all students in the  
7 county, the Board of School Finance may require the following action during the periods of  
8 noncompliance:

9 (1) Approval of meeting agendas by the Board of School Finance;

10 (2) Attendance by the Board of School Finance or designee at county board meetings;

11 and

12 (3) Approval by the Board of School Finance of county-level expenditures.

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

NOTE: The purpose of this bill is to require county boards of education and county superintendents to comply with instructions of the State Board of Education.

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