

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 227**

BY SENATOR RUCKER

[Originating in the Committee on Education; reported on January 28, 2022]



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

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 9B. STATE BOARD OF SUPERINTENDENT POWERS AND DUTIES  
RELATING TO 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 state superintendent and shall perform the duties required of  
3 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  
3 education requiring specific compliance with his or her instructions. If a county board fails or  
4 refuses to comply, the state superintendent may proceed to enforce his or her order by any  
5 appropriate remedy, including, but not limited to, initiating legal action in any court of  
6 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 state superintendent 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 state superintendent may require one or more of the following actions during the  
8 periods of noncompliance:

9           (1) Approval of meeting agendas by the state superintendent;

10           (2) Attendance by the superintendent or designee at county board meetings; and

11           (3) Approval by the state superintendent of county-level expenditures.

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