

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5168

By Delegate Longanacre

[Introduced January 25, 2024; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §18-4-1 of the Code of West Virginia, 1931, as amended, relating to
 2 requiring all county school superintendents in all counties in West Virginia be elected by
 3 the voters of their respective counties for four-year terms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 18. EDUCATION.

§18-4-1. Election and term; interim superintendent.

1 (a) ~~The county superintendent shall be appointed by the board upon a majority vote of the~~
 2 ~~members thereof to serve for a term of not less than one, nor more than~~ elected by the voters of
 3 the respective counties for a term of four years. At the expiration of the term or terms for which he
 4 or she shall have been appointed, each county superintendent shall be eligible for ~~reappointment~~
 5 reelection for additional terms of ~~not less than one, nor more than~~ four years.

6 (1) At the expiration of his or her term or terms of service the county superintendent may
 7 transfer to any teaching position in the county for which he or she is qualified and has seniority,
 8 unless dismissed for statutory reasons.

9 (2) ~~The appointment~~ election of the county superintendent shall be ~~made between January~~
 10 ~~1 and June 1 for a term beginning on July 1 following the appointment.~~ held in the general election
 11 years.

12 (b) In the event of a vacancy due to the expiration of a term in the superintendent's position
 13 prior to the first election held for an elected superintendent, the county in the superintendent's
 14 ~~position that results in an incomplete term,~~ the board may appoint an interim county
 15 superintendent:

16 (1) To serve until the ~~following July 1 if the vacancy occurs before March 1~~ next elected
 17 superintendent has taken office under this code.

18 (2) To serve until ~~July 1 of the next following year if the vacancy occurs on or after March 1,~~
 19 ~~unless a superintendent is appointed sooner~~ in the event of a vacancy for this office until the next
 20 opportunity for an election reasonably can be held for the unexpired term of the vacated office.

21 (c) If the superintendent becomes incapacitated due to accident or illness to an extent that
22 may lead to prolonged absence, the county board, by unanimous vote, may enter an order
23 declaring that an incapacity exists in which case the county board shall appoint an acting
24 superintendent to serve until a majority of the members of the board determine that the incapacity
25 no longer exists. An acting superintendent may not serve in that capacity for more than one year,
26 nor later than the expiration date of the superintendent's term, whichever occurs sooner, unless he
27 or she is reappointed by the county board the next opportunity for an election reasonably can be
28 held for the unexpired term of the vacated office.

29 (d) ~~Immediately following the appointment of a county superintendent or an interim county~~
30 ~~superintendent, the president of the county board shall certify the appointment to the state~~
31 ~~superintendent~~ Immediately following the appointment of an acting county superintendent or a
32 vote by a majority of the members of the county board that an incapacity no longer exists, the
33 president of the county board shall certify the appointment, reappointment, or appointment
34 termination of the acting superintendent to the state superintendent.

35 (e) During his or her term of ~~appointment~~ office, the county superintendent shall be a state
36 resident and shall reside in the county which he or she serves or in a contiguous county. The
37 county superintendent in office on the effective date of this section shall continue in office until the
38 expiration of his or her term.

NOTE: The purpose of this bill is to require all County School Superintendents to be elected by the voters of their respective counties for four-year terms.

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