

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 251

**FISCAL
NOTE**

By Senator Roberts

[Introduced February 12, 2025; referred
to the Committee on Education; and then to the
Committee on Finance]

1 A BILL to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to
2 requiring each county board of education to ensure that all of its meetings are open to the
3 public through in-person attendance and that the audio and video of its meetings are
4 broadcast live to the public through an internet link on its website; requiring each county
5 board to ensure that the audio and video is recorded and that the recording is also
6 available through a link on its website; allowing meeting to continue if the live broadcast
7 experiences a technical interruption in which the stream is discontinued or digitally
8 interrupted; providing exception for executive session; allowing each county board to make
9 and enforce reasonable rules for attendance and presentation at any meeting where there
10 is not room enough for all members of the public who wish to attend; requiring the county
11 board, if providing opportunity for the public to address the school board at a meeting, to
12 ensure that any person expressing an interest in speaking has the opportunity in
13 compliance with adopted procedures; requiring that speakers are treated equally; requiring
14 that a draft of the minutes of each public board meeting include a record of the votes cast
15 by each board member on all substantive matters and be posted to the website within two
16 business days; establishing the duration in which the approved minutes shall remain on
17 the website; and removing the option for a county board to join the National School Board
18 Association.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-4. Meetings; employment and assignment of teachers; budget hearing; compensation of members; affiliation with state and national associations.

1 (a) The county board shall meet on the dates provided by law, and at any other times the
2 county board deems necessary. Subject to adequate public notice, nothing in this section prohibits
3 the county board from conducting regular meetings in facilities within the county other than the
4 county board office. At any meeting authorized in this section and held in compliance with the

5 provisions of §18A-1-1 *et seq.* of this code, the county board may employ qualified teachers, or
6 those who will qualify by the time they assume their duties, necessary to fill existing or anticipated
7 vacancies for the current or next ensuing school year. Meetings of the county board shall be held
8 in compliance with the provisions of §18A-1-1 *et seq.* of this code for purposes relating to the
9 assignment, transfer, termination and dismissal of teachers and other school employees.

10 (b) In addition to any requirements imposed by §6-9A-1 *et seq.* relating to open
11 governmental proceedings, each county board shall ensure that all of its meetings are open to the
12 public through in-person attendance and that the audio and video of its meetings are broadcast
13 live to the public through an internet link on its website. In addition to being available live, each
14 county board also shall ensure that the audio and video is recorded and that the recording is also
15 available through a link on its website: *Provided*, That, if the live broadcast experiences a technical
16 interruption in which the stream is discontinued or digitally interrupted, the meeting may continue
17 while such technical interruptions are being resolved. This subsection does not apply to the
18 holding of an executive session pursuant to §6-9A-4.

19 Each county board may make and enforce reasonable rules for attendance and
20 presentation at any meeting where there is not room enough for all members of the public who
21 wish to attend. If the county board provides opportunity for the public to address the school board
22 at any meeting the county board shall ensure that any person expressing a desire to speak has the
23 opportunity to speak in compliance with the adopted procedures. All members of the public
24 wishing to address the school board on an issue pursuant to policies adopted by the board shall be
25 treated equally.

26 ~~(b)~~ (c) Special meetings may be called by the president or any three members, but no
27 business may be transacted other than that designated in the call.

28 ~~(c)~~ (d) In addition, a public hearing shall be held concerning the preliminary operating
29 budget for the next fiscal year not fewer than ten days after the budget has been made available to
30 the public for inspection and within a reasonable time prior to the submission of the budget to the

31 state board for approval. Reasonable time shall be granted at the hearing to any person who
32 wishes to speak regarding any part of the budget. Notice of the hearing shall be published as a
33 Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code.

34 ~~(d)~~ (e) A majority of the members of the county board constitutes the quorum necessary for
35 the transaction of official business.

36 (f) A draft of the minutes of each public board meeting must include a record of the votes
37 cast by each board member on all substantive matters and be posted to the website within two
38 business days after the meeting. After approval, minutes shall remain on the website for at least
39 one year after the meeting.

40 ~~(e)~~ (g) Board members may receive compensation at a rate not to exceed \$260 per
41 meeting attended, but they may not receive pay for more than 40 meetings in any one fiscal year.
42 Board members who serve on an administrative council of a multicounty vocational center also
43 may receive compensation for attending up to twelve meetings of the council at the same rate as
44 for meetings of the county board: *Provided*, That council meetings are not counted as board
45 meetings for purposes of determining the limit on compensable board meetings: *Provided*,
46 *however*, That a county board member who is in default of a training requirement established in
47 §18-5-1a of this code shall not, until after the default is cured, receive compensation for any
48 meeting held during the period of default. For purposes of compensation, a member in default of a
49 training requirement may cure the default by completing the unfulfilled training requirements within
50 three months of the default. Upon curing the default, the member shall receive compensation,
51 without interest, for the meetings held during the period of default: *Provided, further*, That up to five
52 paid meetings may be provided when planning for activities such as running an election for excess
53 levy, construction bond hearings, school closure hearings, personnel hearings, student expulsion
54 hearings, and in the case of a disaster: *And provided further*, That members shall be paid for up to
55 two trainings.

56 ~~(f)~~ (h) Members also shall be paid, upon the presentation of receipts, for all necessary

57 traveling expenses, including all authorized meetings, incurred on official business, at the order of
58 the county board.

59 ~~(g)~~ (i) When, by a majority vote of its members, a county board considers it a matter of
60 public interest, the county board shall may join the West Virginia School Board Association and
61 ~~may join the National School Board Association~~ and shall pay the dues prescribed by the
62 ~~associations~~ association and approved by action of the respective county boards. Membership
63 dues and actual traveling expenses incurred by board members for attending meetings of the
64 West Virginia School Board Association shall be paid by their respective county boards out of
65 funds available to meet actual expenses of the members, but no allowance may be made except
66 upon presentation of receipts.

NOTE: The purpose of this bill is to require each county board of education to ensure that all of its meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website. The bill requires each county board to ensure that the audio and video is recorded and that the recording is also available through a link on its website. The bill allows meeting to continue if the live broadcast experiences a technical interruption in which the stream is discontinued or digitally interrupted. The bill provides exception for executive session. The bill allows each county board to make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend. The bill requires the county board, if providing opportunity for the public to address the school board at a meeting, to ensure that any person expressing an interest in speaking has the opportunity in compliance with adopted procedures. The bill requires that speakers are treated equally. The bill requires that a draft of the minutes of each public board meeting include a record of the votes cast by each board member on all substantive matters and be posted to the website within two business days. The bill establishes the duration in which the approved minutes shall remain on the website. Finally, the bill removes the option for a county board to join the National School Board Association.

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