

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 23

(By Mr. Speaker, Mr. Amos)



PASSED March 7, 1947

In Effect ninety days from Passage



23

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AN ACT to repeal sections two, twelve, sixteen and seventeen, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend and reenact sections one, three, four, five and fifteen, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the state board of education.

Be it enacted by the Legislature of West Virginia:

That sections two, twelve, sixteen and seventeen, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that sections one, three, four, five and fifteen, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Article 2. State Board of Education

Section 1. *State Board of Education.*—There shall be
2 a state board of education, to be known as the West Vir-
3 ginia board of education, which shall be a corporation and
4 as such may contract and be contracted with, plead and
5 be impleaded, sue and be sued, and have and use a com-
6 mon seal. The state board shall consist of ten members,
7 of whom one shall be the state superintendent of schools,
8 ex officio, who shall not be entitled to vote. The other
9 nine members shall be citizens of the state, appointed by
10 the governor, by and with the advice and consent of the
11 Senate, for overlapping terms of nine years, except that
12 the original appointments shall be for terms of one, two,
13 three, four, five, six, seven, eight and nine years, respec-
14 tively. At least one but not more than two members shall
15 be appointed from each congressional district, and at least
16 one member shall be of the Negro race.

17 No more than five of the appointive members shall be-
18 long to the same political party and not more than two
19 members shall be graduates of the same institution of
20 higher education. No person shall be eligible for appoint-

21 ment to membership on the state board who is a member
22 of any political party executive committee or holds any
23 other public office or public employment under the fed-
24 eral government or under the government of this state
25 or any of its political subdivisions, or who is an appointee
26 or employee of the board. Members shall be eligible for
27 reappointment.

28 The governor shall appoint all members of the state
29 board as soon after the effective date hereof as is prac-
30 ticable for respective terms of office beginning on the first
31 day of July, one thousand nine hundred forty-seven. Any
32 vacancy on the board shall be filled by the governor by
33 appointment for the unexpired term. The terms of office
34 of present members of the state board shall expire on the
35 thirtieth day of June, one thousand nine hundred forty-
36 seven.

37 No member of the state board may be removed from
38 office by the governor except for official misconduct, in-
39 competence, neglect of duty, or gross immorality and then
40 only in the manner prescribed by law for the removal by
41 the governor of state elective officers.

42 Before exercising any authority or performing any
43 duties as a member of the state board, each member shall
44 qualify as such by taking and subscribing to the oath of
45 office prescribed by section five, article four of the con-
46 stitution, the certificate whereof shall be filed with the
47 secretary of state. A suitable office or offices in the state
48 department of education at the state capitol shall be pro-
49 vided for the use of the state board.

Sec. 3. *Meetings of State Board; Expenses of Members.*

2 The state board shall hold at least six meetings in every
3 year at such times and places as it may prescribe. It may
4 meet at such other times as may be necessary, such meet-
5 ings to be held upon its own resolution or at the call of
6 the president of the board. The members shall serve
7 without compensation, but every member shall be re-
8 imbursed from the general school fund for actual ex-
9 penses incident to the performance of his duties, upon
10 presentation of an itemized sworn statement thereof.

Sec. 4. *Organization of State Board; Secretary.*--At

2 its first regular meeting in every year, the state board
3 shall elect one of its members as president, who shall not

4 succeed himself as president, and one as vice-president of
5 the board. The state superintendent shall be the chief
6 executive officer of the state board, and subject to its di-
7 rection shall execute its policies.

8 The state board shall appoint a secretary and fix his
9 salary, to be paid out of the general school fund upon
10 warrants drawn by the state superintendent. The secre-
11 tary shall keep a record of the proceedings of the state
12 board and shall perform such other duties as it may pre-
13 scribe.

Sec. 5. *General Powers and Duties.*—Subject to and
2 in conformity with the constitution and laws of this state,
3 the state board of education shall determine the educa-
4 tional policies of the state, except as to the West Virginia
5 university and Potomac state school, and shall make rules
6 for carrying into effect the laws and policies of the state
7 relating to education, including rules relating to the phys-
8 ical welfare of pupils, the education of feeble-minded and
9 physically disabled or crippled children of school age,
10 school attendance, evening and continuation or part-time
11 day schools, school extension work, the classification of

12 schools, the issuing of certificates upon credentials, the
13 distribution and care of free textbooks by the county
14 boards of education, the general powers and duties of
15 county boards of education, and of teachers, principals,
16 supervisors and superintendents, and such other matters
17 pertaining to the public schools of the state as may seem
18 to the state board to be necessary and expedient.

Sec. 15. *Report to Governor by State Board.*—On the
2 first day of October of each year, or as soon thereafter as
3 practicable, the state board, through the state superin-
4 tendent, shall make to the governor and to the Legislature
5 a full report concerning the public schools and the educa-
6 tional institutions under its control and management, to-
7 gether with its recommendations in respect to needed
8 legislation.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Forest L. McNeer
Chairman Senate Committee

B. L. Matthews
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Howard Meyer
Clerk of the Senate

J. Aship
Clerk of the House of Delegates

Arnold M. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within Approved this the 14
day of Mar, 1947.

Clarence Meadows
Governor.



Filed in the Office of the Secretary of State
of West Virginia.

MAR 14 1947
WM. S. OSBORN,
SECRETARY OF STATE