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
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article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that sections one, three, four, five and fifteen, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, be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 a state board of education, to be known as the West Virginia board of education, which shall be a corporation and as such may contract and be contracted with, plead and be impleaded, sue and be sued, and have and use a common seal. The state board shall consist of ten members, of whom one shall be the state superintendent of schools, ex officio, who shall not be entitled to vote. The other nine members shall be citizens of the state, appointed by the governor, by and with the advice and consent of the Senate, for overlapping terms of nine years, except that the original appointments shall be for terms of one, two, three, four, five, six, seven, eight and nine years, respectively. At least one but not more than two members shall be appointed from each congressional district, and at least one member shall be of the Negro race. No more than five of the appointive members shall belong to the same political party and not more than two members shall be graduates of the same institution of higher education. No person shall be eligible for appoint-
ment to membership on the state board who is a member
of any political party executive committee or holds any
other public office or public employment under the fed-
eral government or under the government of this state
or any of its political subdivisions, or who is an appointee
or employee of the board. Members shall be eligible for
reappointment.

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

No member of the state board may be removed from
office by the governor except for official misconduct, in-
competence, neglect of duty, or gross immorality and then
only in the manner prescribed by law for the removal by
the governor of state elective officers.
Before exercising any authority or performing any duties as a member of the state board, each member shall qualify as such by taking and subscribing to the oath of office prescribed by section five, article four of the constitution, the certificate whereof shall be filed with the secretary of state. A suitable office or offices in the state department of education at the state capitol shall be provided for the use of the state board.

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

The state board shall hold at least six meetings in every year at such times and places as it may prescribe. It may meet at such other times as may be necessary, such meetings to be held upon its own resolution or at the call of the president of the board. The members shall serve without compensation, but every member shall be reimbursed from the general school fund for actual expenses incident to the performance of his duties, upon presentation of an itemized sworn statement thereof.

Sec. 4. Organization of State Board; Secretary.—At its first regular meeting in every year, the state board shall elect one of its members as president, who shall not
succeed himself as president, and one as vice-president of the board. The state superintendent shall be the chief executive officer of the state board, and subject to its direction shall execute its policies.

The state board shall appoint a secretary and fix his salary, to be paid out of the general school fund upon warrants drawn by the state superintendent. The secretary shall keep a record of the proceedings of the state board and shall perform such other duties as it may prescribe.

Sec. 5. General Powers and Duties.—Subject to and in conformity with the constitution and laws of this state, the state board of education shall determine the educational policies of the state, except as to the West Virginia university and Potomac state school, and shall make rules for carrying into effect the laws and policies of the state relating to education, including rules relating to the physical welfare of pupils, the education of feeble-minded and physically disabled or crippled children of school age, school attendance, evening and continuation or part-time 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. McGee
Chairman Senate Committee

R. L. Matthews
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

James H. Storer
Clerk of the Senate

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Clerk of the House of Delegates

Arnold M. Vickery
President of the Senate

John E. Amos
Speaker House of Delegates

The within approved this the 14
day of May, 1947.

Clarence Marchant
Governor.

Filed in the Office of the Secretary of State of West Virginia, MAR 14, 1947.

WM. S. C. Smirk, Secretary of State