



# West Virginia School Board Association

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## RE: Information for Prospective Candidates as a County Board of Education Member

County Boards of Education Candidates:

First and foremost, we appreciate your interest in becoming a member of your county school board of education. As a candidate, it is crucial to be well-informed about the responsibilities and obligations that come with being a county school board member. A county school board member must adhere to various state laws and regulations that govern our education system. These laws cover a wide range of aspects related to education policy, budgeting, curriculum, student welfare, and more. As a board member, you will be expected to work collaboratively with other board members and school administrators to make decisions that benefit the students and the community as a whole. If elected, you will be entrusted with the responsibility of representing the interests of your constituents and ensuring that the school district operates efficiently and effectively. It can be a rewarding role that directly impacts the lives of students and families in your county.

This correspondence is provided for information purposes for candidates seeking office as an elected county school board of education member. Your attention to the following legal references and statutory requirements is vital.

### **[West Virginia Supreme Court of Appeals in Lane v. Blair, 162 W.Va. 281, 250 S.E.2d 124 (W. Va. 1978)]**

"Members of a Board of Education occupy a fiduciary position and are under a duty to make detailed inquiry into any matter which appears to be wrong; failure to do so is negligence and under appropriate circumstances may constitute a violation of [law] with attendant removal of the culpable members from office."

### **[West Virginia Supreme Court of Appeals in State ex rel. Preissler v. Dostert, 163 W.Va. 719, 260 S.E.2d 279 (W. Va. 1979), quoting U.S. v. Thomas, 82 U.S. (15 Wall.) 337 (1873)]**

"A public officer is in the position of a fiduciary, and he is under an obligation to serve the public with highest fidelity and undivided loyalty. . . The public officer is bound to act primarily for the benefit of the public and must perform the duties of his office honestly, faithfully and to the best of his ability."

### **§61-10-15. Pecuniary interest of County and District Officers, Teachers and School Officials in Contracts; Exceptions; Offering or Giving Compensation; Penalties**

It is unlawful for any member of a county commission, district school officer, secretary of a Board of Education, supervisor or superintendent, principal or teacher of public schools or any member of any other county or district board or any county or district officer to be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract or service or in the furnishing of any supplies in the contract for or the awarding or letting of a contract if, as a member, officer, secretary, supervisor, superintendent, principal or teacher, he or she may have any voice, influence or control: *Provided*, That nothing in this section prevents or makes unlawful the employment of the spouse of a member, officer, secretary, supervisor, superintendent, principal or teacher as a principal or teacher or auxiliary or service employee in the public schools of any county or prevents or makes unlawful the employment by any joint county and circuit clerk of his or her spouse.

### **§18-5-1a. Eligibility of members; Training Requirements**

A person who is a member of a county board:

- Shall be a citizen and resident in the county in which he or she serves on the county board. Also, a person who is a candidate for membership on a county board or who is a member-elect of a county board shall be a citizen and resident in the county in which he or she seeks to serve on the county board;
- May not be employed by the county board on which he or she serves, including employment as a teacher or service person.
- To be eligible for election or appointment as a member of a county board, a person shall possess at least a high school diploma or a general educational development (GED) diploma. This provision does not apply to members or members-elect who have taken office prior to May 5, 1992, and who serve continuously from that date forward.
- A person elected to a county board after July 1, 1990, may not assume the duties of county board member unless he or she has first attended and completed a course of orientation relating to boardsmanship and governance effectiveness which shall be given between the date of election and the beginning of the member's term of office under the following conditions.
  - A portion or portions of subsequent training such as that offered in orientation may be provided to members after they have commenced their term of office;
  - Attendance at the session of orientation given between the date of election and the beginning of the member's term of office permits the member-elect to assume the duties of county board member, as specified in this section;
  - Members appointed to the county board shall attend and complete the next orientation course offered following their appointment; and
  - The provisions of this subsection relating to orientation do not apply to members who have taken office prior to July 1, 1988, and who serve continuously from that date forward.
- The orientation and training shall be approved by the state board and conducted by the West Virginia School Board Association or other organization, or organizations approved by the state board:  
***New County School Board Member Orientation June 21-22, 2024, at the Canaan Valley Resort & Conference Center, Davis, WV***
- Annually, each member of a county board shall receive seven clock hours of training in areas relating to boardsmanship, governance effectiveness, and school performance issues including, but not limited to, pertinent state and federal statutes such as the "Process for Improving Education" set forth in section five, article two-e of this chapter and the "No Child Left Behind Act" and their respective administrative rules.  
***Because the Orientation is received prior to assuming office, Orientation attendance and Orientation program completion does not apply toward the seven (7) clock hours training requirement.***
- Failure to attend and complete the approved course of orientation and training relating to boardsmanship and governance effectiveness without good cause as determined by the state board by duly promulgated legislative rules constitutes neglect of duty under section seven, article six, chapter six of this code.
- In the final year of any four-year term of office, a member shall satisfy the annual training requirement before January 1. Failure to comply with the training requirements of this section without good cause as defined by the state board by duly promulgated legislative rules constitutes neglect of duty under section seven, article six, chapter six of this code.

I hope the information provided will be helpful as you begin your candidacy to become a school board of education member. Should you have any inquiries concerning this information, please feel free to reach out to me at your earliest convenience. [jim.brown@wvsba.org](mailto:jim.brown@wvsba.org)

Respectfully,

*James G. Brown*

James G. Brown  
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