

14102704D

HOUSE BILL NO. 781

Offered January 8, 2014

Prefiled January 7, 2014

A *BILL to amend and reenact §§ 22.1-9, 22.1-29, 22.1-29.1, 22.1-32, 23-9.2:5, and 23-9.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-29.2, relating to student members of education boards.*

Patron—Futrell

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-9, 22.1-29, 22.1-29.1, 22.1-32, 23-9.2:5, and 23-9.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-29.2 as follows:

§ 22.1-9. Appointment, terms, and vacancies.

The Board of Education shall consist of ~~nine~~ 10 members appointed by the Governor, *including one student who currently attends a public high school in the Commonwealth. Student members shall be voting members on all nonfiscal issues.* Every appointment to the Board shall be for a term of four years, except that appointments to fill vacancies other than by expiration of term shall be for the unexpired terms *and appointments of student members shall be for terms of two years.* All appointments, including those to fill vacancies, shall be subject to confirmation by the General Assembly, and any appointment made during the recess of the General Assembly shall expire at the end of ~~thirty~~ 30 days after the commencement of the next session of the General Assembly. No member of the Board shall be appointed to more than two consecutive ~~four-year~~ terms.

§ 22.1-29. Qualifications of members.

Each person appointed or elected to a school board shall, at the time of his appointment or election, be a qualified voter and a bona fide resident of the district from which he is selected if appointment or election is by district or of the school division if appointment or election is at large; and if he shall cease to be a resident of such district or school division, his position on the school board shall be deemed vacant. *This section shall not apply to students appointed pursuant to § 22.1-29.2.*

§ 22.1-29.1. Public hearing before appointment of school board members.

At least seven days prior to the appointment of any school board member pursuant to the provisions of this chapter, of §§ 15.2-410, 15.2-531, 15.2-627 or § 15.2-837, or of any municipal charter, the appointing authority shall hold one or more public hearings to receive the views of citizens within the school division. The appointing authority shall cause public notice to be given at least ~~ten~~ 10 days prior to any hearing by publication in a newspaper having a general circulation within the school division. *Except in the case of student members appointed pursuant to § 22.1-29.2, no nominee or applicant whose name has not been considered at a public hearing shall be appointed as a school board member.*

§ 22.1-29.2. Student members.

The Governor shall appoint one student who currently attends a public high school in the school division to each local school board for a term of two years. Each student member shall be a voting member on all nonfiscal issues. Student members shall not be counted in the total membership of the school board prescribed elsewhere by law.

§ 22.1-32. Salary of members.

A. Any elected school board may pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 or as provided by charter. However, any elected school board of a school division comprised of a county having the county manager plan of government, as provided in § 15.2-702.1 may, after a public hearing pursuant to notice in the manner provided in subdivision 8 of § 22.1-79, set the annual salary of its members at no more than \$25,000, except that the annual salary of the chairman, vice-chairman, or both, may exceed \$25,000.

B. The appointed school board of the following counties may pay each of its members an annual salary not to exceed the limits hereinafter set forth:

Accomack - \$3,000.00;

Alleghany - \$1,500.00;

Amherst - \$2,200.00;

Brunswick - \$1,800.00;

Cumberland - \$3,600.00;

INTRODUCED

HB781

59 Essex - \$1,800.00;
60 Greenville - \$1,800.00;
61 Hanover - \$8,000.00;
62 Isle of Wight - \$4,000.00;
63 Northampton - \$3,000.00;
64 Prince Edward - \$2,400.00;
65 Richmond - \$5,000.00;
66 Southampton - \$5,300.00.

67 C. The appointed school board of the following cities and towns may pay each of its members an
68 annual salary not to exceed the limits hereinafter set forth:

69 Charlottesville - \$3,000.00;
70 Covington - \$1,500.00;
71 Danville - \$600.00;
72 Emporia - \$240.00;
73 Fries - \$240.00;
74 Hopewell - \$3,600.00;
75 Lexington - \$600.00;
76 Lynchburg - \$2,400.00;
77 Manassas Park - \$3,000.00;
78 Martinsville - \$2,400.00;
79 Norfolk - \$3,000.00;
80 Poquoson - \$3,000.00;
81 Roanoke - \$4,200.00;
82 Salem - \$4,800.00;
83 South Boston - \$600.00.

84 D. Any school board may, in its discretion, pay the chairman of the school board an additional salary
85 not exceeding \$2,000 per year upon passage of an appropriate resolution by (i) the school board whose
86 membership is elected in whole or in part or (ii) the governing body of the appropriate county, city, or
87 town whose school board is comprised solely of appointed members.

88 E. Any school board may in its discretion pay each of its members mileage for use of a private
89 vehicle in attending meetings of the school board and in conducting other official business of the school
90 board. Its members may be reimbursed for private transportation at a rate not to exceed that which is
91 authorized for persons traveling on state business in accordance with § 2.2-2825. Whatever rate is paid,
92 however, shall be the same for school board members and employees of the board.

93 F. No appointed school board shall request the General Assembly's consideration of an increase in its
94 annual salary limit as established in subsections B and C unless such school board has taken an
95 affirmative vote on the requested increase. Further, no elected school board shall be awarded a salary
96 increase, unless, upon an affirmative vote by such school board, a specific salary increase shall be
97 approved. Local school boards shall adopt such increases according to the following procedures:

98 1. A local school board representing a county may establish a salary increase prior to July 1 of any
99 year in which members are to be elected or appointed, or, if such school board is elected or appointed
100 for staggered terms, prior to July 1 of any year in which at least 40 percent of such members are to be
101 elected or appointed. However, a school board serving a county having the county manager plan of
102 government and whose membership totals five may establish a salary increase prior to July 1 in any
103 year in which two of the five members are to be elected or appointed. Such increase shall become
104 effective on January 1 of the following year.

105 2. A local school board representing a city or town may establish a salary increase prior to December
106 31 in any year preceding a year in which members are to be elected or appointed. Such increase shall
107 become effective on July 1 of the year in which the election or appointment occurs if the election or
108 appointment occurs prior to July 1 and shall become effective January 1 of the following year if the
109 election or appointment occurs after June 30.

110 No salary increase may become effective during an incumbent member's term of office; however, this
111 restriction shall not apply if the school board members are elected or appointed for staggered terms.

112 G. *Student members appointed pursuant to § 22.1-29.2 shall not be eligible to receive an annual*
113 *salary for their service.*

114 **§ 23-9.2:5. Student members of boards of visitors and other governing boards.**

115 A. ~~The board of visitors of any four-year state institution of higher education~~ Governor shall appoint
116 ~~one or more students as nonvoting, advisory representatives~~ student member to the board of visitors of
117 ~~each four-year public institution of higher education, the State Board for Community Colleges, and each~~
118 ~~local community college board.~~ Such representatives members shall be appointed under such
119 ~~circumstances and serve for such terms as the board of visitors of the institution shall prescribe terms of~~
120 ~~two years.~~

B. Nothing in this section shall prohibit any board of visitors from excluding such representatives from discussions of faculty grievances, faculty or staff disciplinary matters or salaries or other matters at the discretion of the board. *Student members shall be voting members on all nonfiscal issues.*

C. *Student members shall not be counted in the total membership of the board of visitors or other governing board prescribed elsewhere by law.*

§ 23-9.3. State Council of Higher Education for Virginia created; purpose; membership; terms; officers.

A. There is hereby created a State Council of Higher Education for Virginia, hereinafter sometimes referred to as the Council. The purpose of the Council shall be, through the exercise of the powers and performance of the duties set forth in this chapter, to advocate and promote the development and operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education in the Commonwealth of Virginia and to lead state-level strategic planning and policy development and implementation based on research and analysis and in accordance with § 23-38.87:10 and subsection B of § 23-38.88. The Council shall also seek to facilitate collaboration among institutions of higher education that will enhance quality and create operational efficiencies and shall work with institutions of higher education and their boards on board development.

B. The Council shall be composed of persons selected from the Commonwealth at large without regard to political affiliation but with due consideration of geographical representation. Appointees shall have demonstrated experience, knowledge, and understanding of higher education and workforce needs. Appointees shall be selected for their ability and all appointments shall be of such nature as to aid the work of the Council and to inspire the highest degree of cooperation and confidence. No officer, employee, trustee, or member of the governing board of any institution of higher education, employee of the Commonwealth, member of the General Assembly, or member of the State Board of Education shall be eligible for appointment to the Council except as specified in this section. All members of the Council shall be deemed members at large charged with the responsibility of serving the best interests of the whole Commonwealth. No member shall act as the representative of any particular region or of any particular institution of higher education.

C. The Council shall consist of ~~13~~ 14 members: ~~12~~ 13 members appointed by the Governor and subject to confirmation by the General Assembly at its next regular session and one ex officio member. At least one appointee shall have served as a president or chief executive of a public institution of higher education in the Commonwealth. At least one member shall be a sitting Virginia school superintendent, either at the state or local level. *One member shall be a student currently enrolled at a public institution of higher education in the Commonwealth. Student members shall be voting members on all nonfiscal issues.* The President of the Virginia Economic Development Partnership shall serve ex officio with voting privileges. All terms shall begin July 1. Members shall be appointed for four-year terms, except that appointments to fill vacancies occurring shall be for the unexpired term *and the student member shall be appointed for a term of two years.*

D. No person having served on the Council for two terms of four years shall be eligible for reappointment to the Council for two years thereafter.

E. The Council shall elect a chairman and a vice-chairman from its own membership and appoint a secretary and such other officers as it deems necessary or advisable and shall prescribe their duties and term of office.

F. At each meeting, the Council shall involve the presidents of the public institutions of higher education in its agenda. The presidents shall present information and comment on issues of common interest. The presidents shall choose presenters to the Council from among themselves who reflect the diversity of the institutions.

At each meeting, the Council may involve other groups, including the presidents of private, nonprofit institutions of higher education, in its agenda.