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HOUSE BILL NO. 2363

Offered January 23, 2015

A BILL to amend and reenact §§ 22.1-32 and 22.1-57.3 of the Code of Virginia and to repeal § 22.1-51 of the Code of Virginia, relating to school boards; elections; City of Norfolk.

Patron—Hester

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That §§ 22.1-32 and 22.1-57.3 of the Code of Virginia are amended and reenacted as follows:****§ 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;
Essex - \$1,800.00;
Greensville - \$1,800.00;
Hanover - \$8,000.00;
Isle of Wight - \$4,000.00;
Northampton - \$3,000.00;
Prince Edward - \$2,400.00;
Richmond - \$5,000.00;
Southampton - \$5,300.00.

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

Charlottesville - \$3,000.00;
Covington - \$1,500.00;
Danville - \$600.00;
Emporia - \$240.00;
Fries - \$240.00;
Hopewell - \$3,600.00;
Lexington - \$600.00;
Lynchburg - \$2,400.00;
Manassas Park - \$3,000.00;
Martinsville - \$2,400.00;
~~Norfolk - \$3,000.00;~~
Poquoson - \$3,000.00;
Roanoke - \$4,200.00;
Salem - \$4,800.00;
South Boston - \$600.00.

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

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

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59 however, shall be the same for school board members and employees of the board.

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

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

72 2. A local school board representing a city or town may establish a salary increase prior to December
73 31 in any year preceding a year in which members are to be elected or appointed. Such increase shall
74 become effective on July 1 of the year in which the election or appointment occurs if the election or
75 appointment occurs prior to July 1 and shall become effective January 1 of the following year if the
76 election or appointment occurs after June 30.

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

79 **§ 22.1-57.3. Election of school board members; election of tie breaker.**

80 A. If a majority of the qualified voters voting in such referendum vote in favor of changing the
81 method of selecting school board members to direct election by the voters, then the members of the
82 school board shall be elected by popular vote. *The initial election of school board members shall occur*
83 *at the first regular general election in which members of the governing body of the county, city, or town*
84 *are elected following the passage of the referendum.* Elections Subsequent elections of school board
85 members in a county, city, or town shall be held to coincide with the elections for members of the
86 governing body of the county, city, or town at the regular general election in November or the regular
87 general election in May, as the case may be.

88 B. The initial elected board shall consist of the same number of members as the appointed school
89 board it replaces, and the members shall be elected from the established county or municipal election
90 districts, at large, or a combination thereof, on the same basis as the school board previously was
91 appointed. If the appointed school board being replaced has not been appointed either on an at-large
92 basis or on the basis of the established county or municipal election districts, or a combination thereof,
93 the members shall be elected at large unless the governing body of the county, city, or town provides
94 for the election of school board members on the basis of the established county or municipal election
95 districts. If the appointed school board being replaced has been appointed at large, the governing body
96 of the county, city, or town may establish school election districts for the election of school board
97 members. The governing body may provide for a locality-wide district, one or more districts comprised
98 of a part of the locality, or any combination thereof, and for the apportionment of one or more school
99 board members to any district.

100 The terms of the members of the elected school board for any county, city, or town shall be the
101 same as the terms of the members of the governing body for the county, city, or town. In any locality in
102 which both the school board and the governing body are elected from election districts, as opposed to
103 being elected wholly on an at-large basis, the elections of the school board member and governing body
104 member from each specific district shall be held simultaneously except as otherwise provided in
105 §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2.

106 At the first election for members of the school board, so many members shall be elected as there are
107 members to be elected at the regular election for the governing body. At each subsequent regular
108 election for members of the governing body, the same number of members of the school board shall be
109 elected as the number of members to be elected at the regular election to the governing body. However,
110 if the number of members on the school board differs from the number of members of the governing
111 body, the number of members elected to the school board at the first and subsequent general election
112 shall be either more or less than the number of governing body members, as appropriate, to the end that
113 the number of members on the initial elected school board is the same as the number of members on the
114 appointed board being replaced.

115 Except as provided in §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2, the terms of the members of
116 the school board shall be staggered only if the terms of the members of the governing body are
117 staggered. If there are more, or fewer, members on the school board than on the governing body, the
118 number of members to be elected to the school board at the first and subsequent election for school
119 board members shall be the number required to establish the staggered term structure so that (i) a
120 majority of the members of the school board is elected at the same time as a majority of the members

of the governing body; (ii) if one-half of the governing body is being elected and the school board has an even number of members, one-half of the members of the school board is elected; (iii) if one-half of the governing body is being elected and the school board has an odd number of members, the majority by one member of the school board is elected at the first election and the remainder of the school board is elected at the second election; or (iv) if a majority of the members of the governing body is being elected and the school board has an even number of members, one-half of the members of the school board is elected.

If the school board is elected at large and the terms of the members of the school board are staggered, the school board members to be replaced at the first election shall include all appointed school board members whose appointive terms are scheduled to expire on December 31 or on June 30, as the case may be, next following the first election of county, city or town school board members. If the number of school board members whose appointive terms are so scheduled to expire is zero or less than the number of school board members to be elected at the first election, the appointed school board members to be replaced at the first election shall also include those whose appointive terms are scheduled to expire next subsequent to the date on which the terms of office of the first elected school board members will commence. If the appointive terms of more than one school board member are scheduled to expire simultaneously, but less than all of such members are to be replaced at the first election, then the identity of such school board member or members to be replaced at the first election shall be determined by a drawing held by the county or city electoral board at least ten days prior to the last day for a person to qualify as a candidate for school board member.

In any case in which school board members are elected from election districts, as opposed to being elected from the county, city, or town at large, the election districts for the school board shall be coterminous with the election districts for the county, city, or town governing body, except as may be specifically provided for the election of school board members in a county, city, or town in which the governing body is elected at large.

C. The terms of office for the school board members shall commence on January 1 or July 1, as the case may be, following their election. On December 31 or June 30, as the case may be, following the first election of county, city or town school board members, the terms of office of the members of the school board in office through appointment shall expire and the school board selection commission, if there is one, shall be abolished. If the entire school board is not elected at the first election of school board members, only the terms of the appointed members being replaced shall so expire and the terms of the appointed members being replaced at a subsequent election shall continue or be extended to expire on December 31 or June 30, as appropriate, of the year of the election of the school board members replacing them.

D. Except as otherwise provided herein, a vacancy in the office of any elected school board member shall be filled pursuant to §§ 24.2-226 and 24.2-228. In any county that has adopted the urban county executive form of government and that has adopted an elected school board, any vacancy on the elected school board shall be filled in accordance with the procedures set forth in § 15.2-802, mutatis mutandis. Notwithstanding any provision of law or charter to the contrary, if no candidates file for election to a school board office and no person who is qualified to hold the office is elected by write-in votes, a vacancy shall be deemed to exist in the office as of January 1 or July 1, as the case may be, following the general election. For the purposes of this subsection and Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2, local school boards comprised of elected and appointed members shall be deemed elected school boards.

E. In order to have their names placed on the ballot, all candidates shall be nominated only by petition as provided by general law pursuant to § 24.2-506.

F. For the purposes of this section, the election and term of the mayor or chairman of the board of supervisors shall be deemed to be an election and term of a member of the governing body of the municipality or county, respectively, whether or not the mayor or chairman is deemed to be a member of the governing body for any other purpose.

G. No employee of a school board shall be eligible to serve on the board with whom he is employed.

H. Any elected school board may have a position of tie breaker for the purpose of casting the deciding vote in cases of tie votes of the school board as provided in § 22.1-75. The position of tie breaker, if any, shall be held by a qualified voter who is a resident of the county, city, or town and who shall be elected in the same manner and for the same length of term as members of the school board and at a general election at which members of the school board are elected. A vacancy in the position of tie breaker shall be filled pursuant to §§ 24.2-226 and 24.2-228.

2. That § 22.1-51 of the Code of Virginia is repealed effective July 1, 2016.

3. That the provisions of this act amending § 22.1-32 are effective July 1, 2016.