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HOUSE BILL NO. 1008

Offered January 25, 1994

A BILL to amend and reenact §§ 22.1-30 and 22.1-57.3 of the Code of Virginia, relating to appointed and elected school boards.

Patrons—Rhodes, Crouch, Forbes, Hall, Howell, Keating, Kidd, Marshall, Miller, Morgan, O'Brien, Parrish, Purkey, Reid, Wardrup, Wilkins and Woodrum

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That §§ 22.1-30 and 22.1-57.3 of the Code of Virginia are amended and reenacted as follows:**

§ 22.1-30. Certain officers may not act on school board or serve as tie breaker.

No state, county, city or town officer, no deputy of any such officer, no member of the governing body of a county, city or town, *no licensed employee of a school board*, and no father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of a member of the county governing body may, during his term of office, be appointed as a member of the school board for such county, city or town or as tie breaker for such school board except:

1. local superintendents of public welfare,
2. commissioners in chancery,
3. commissioners of accounts,
4. registrars of vital records and health statistics,
5. notaries public,
6. clerks and employees of the federal government in the District of Columbia,
7. medical examiners,
8. officers and employees of the District of Columbia,
9. in Northumberland County, oyster inspectors,
10. in Lunenburg County, members of the county library board and members of the board of public welfare,
11. auxiliary deputy sheriffs and auxiliary police officers receiving less than five dollars in annual compensation,
12. members of the town councils serving towns within Craig, Giles and Wise Counties, and
13. public defenders.

§ 22.1-57.3. Election of school board members.

A. If a majority of the qualified voters voting in such referendum vote in favor of changing the method of selecting school board members to direct election by the voters, then the members of the school board shall be elected by popular vote. Elections of school board members in a county, city, or town shall be held to coincide with the elections for members of the governing body of the county, city, or town at the regular general election in November in the case of a county or the regular general election in May in the case of a city or town. In no event shall any election of school board members take place prior to 1994.

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

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

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60 At the first election for members of the school board, so many members shall be elected as there are
61 members to be elected at the regular election for the governing body. At each subsequent regular
62 election for members of the governing body, the same number of members of the school board shall be
63 elected as the number of members to be elected at the regular election to the governing body. However,
64 if the number of members on the school board differs from the number of members of the governing
65 body, the number of members elected to the school board at the first and subsequent general election
66 shall be either more or less than the number of governing body members, as appropriate, to the end that
67 the number of members on the initial elected school board is the same as the number of members on the
68 appointed board being replaced.

69 Except as provided in § 22.1-57.3:1, the terms of the members of the school board shall be staggered
70 only if the terms of the members of the governing body are staggered. If there are more, or fewer,
71 members on the school board than on the governing body, the number of members to be elected to the
72 school board at the first and subsequent election for school board members shall be the number required
73 to establish the staggered term structure so that (i) a majority of the members of the school board is
74 elected at the same time as a majority of the members of the governing body; (ii) if one-half of the
75 governing body is being elected and the school board has an even number of members, one-half of the
76 members of the school board is elected; (iii) if one-half of the governing body is being elected and the
77 school board has an odd number of members, the majority by one member of the school board is
78 elected at the first election and the remainder of the school board is elected at the second election; or
79 (iv) if a majority of the members of the governing body is being elected and the school board has an
80 even number of members, one-half of the members of the school board is elected.

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

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

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

108 D. A vacancy in the office of school board member shall be filled pursuant to §§ 24.2-226 and
109 24.2-227.

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

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

116 G. *No licensed employee of a school board shall be eligible for election to the board with whom he*
117 *is employed.*

118 *2. That an emergency exists and this act is in force from its passage.*