

LD6084176

## HOUSE BILL NO. 2094

Offered January 23, 1995

A *BILL to amend and reenact §§ 22.1-1, 22.1-28, 22.1-71, 22.1-79, and 22.1-89 of the Code of Virginia, relating to the powers and duties of school boards.*

\_\_\_\_\_  
Patron—Cranwell

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Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-1, 22.1-28, 22.1-71, 22.1-79, and 22.1-89 of the Code of Virginia are amended and reenacted as follows:**

§ 22.1-1. Definitions.

As used in this title unless the context requires otherwise or it is otherwise specifically provided:

"Board" or "State Board" means the Board of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" includes elementary, middle, and high school grades.

"Middle school" means separate schools for early adolescents and the middle school grades that might be housed at elementary or high schools.

"Person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.

"Public school" means an elementary or secondary educational program within a school division which is exclusively supervised, as required by Article VIII, Section 7 of the Constitution of Virginia, by a duly appointed or elected school board and shall not include any program initiated or supervised, in whole or in part, by any other person or entity,

"Supervision" means the exclusive jurisdiction of the local school boards to exercise full responsibility for the application of state laws and regulations and local policies, ordinances, and rules adopted for the day-to-day management of the public schools within a school division, including, but not limited to, the management and control of educational funds solely for the benefit of the public schools, the employment of school personnel, the determination of program content, and the power to establish, operate, and maintain public schools.

"School board" means the school board of a school division.

§ 22.1-28. Supervision of schools in each division vested in school board.

The supervision, as defined in § 22.1-1, of schools in each school division shall be vested in a school board selected as provided in this chapter or as otherwise provided by law.

§ 22.1-71. School board constitutes body corporate; corporate powers.

The duly appointed or elected members shall constitute the school board. Every such school board is declared a body corporate and, in its corporate capacity, is vested with all the powers and charged with all the duties, obligations and responsibilities imposed upon school boards by law and may sue, be sued, contract, and be contracted with and, in accordance with the provisions of this title. A school board may purchase, take, hold, lease and convey school property, both real and personal, and shall manage and control federal, state and local educational funds solely for the benefit of the public schools under its supervision. School board members appointed and elected by district or otherwise shall have no organization or duties except such as may be assigned to them by the school board as a whole.

§ 22.1-79. Powers and duties.

A school board shall:

1. See that the school laws are properly explained, enforced and observed;

2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;

3. Care for, manage and control the property of the school division and provide for the erecting, furnishing, and equipping of necessary school buildings and appurtenances and the maintenance thereof;

4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;

5. Insofar as not inconsistent with state statutes and regulations of the Board of Education, establish, operate and maintain the public schools in the school division and determine the length of the school

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60 term, the studies to be pursued, the methods of teaching and the government to be employed in the  
61 schools;

62 6. ~~In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish~~  
63 *Establish* and administer by July 1, 1992, a grievance procedure for all school board employees, except  
64 the division superintendent and those employees covered under the provisions of Article 2 (§ 22.1-293 et  
65 seq.) and Article 3 (§ 22.1-306 et seq.) of Chapter 15 of this title, who have completed such  
66 probationary period as may be required by the school board, not to exceed eighteen months. The  
67 grievance procedure shall afford a timely and fair method of the resolution of disputes arising between  
68 the school board and such employees regarding dismissal, suspension, or other disciplinary actions and  
69 shall be consistent with the provisions of the Board of Education's procedures for adjusting grievances  
70 except that there shall be no right to a hearing before a fact-finding panel;

71 7. Perform such other duties as shall be prescribed by the Board of Education or as are imposed by  
72 law; ~~and~~

73 8. Obtain public comment through a public hearing not less than ten days after reasonable notice to  
74 the public in a newspaper of general circulation in the school division prior to providing (i) for the  
75 consolidation of schools or (ii) in school divisions having 15,000 pupils or more in average daily  
76 membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the  
77 assignment of fifteen percent or more of the pupils in average daily membership in the affected school.  
78 Such public hearing may be held at the same time and place as the meeting of the school board at  
79 which the proposed action is taken if the public hearing is held before the action is taken. If a public  
80 hearing has been held prior to the effective date of this provision on a proposed consolidation,  
81 redistricting or pupil assignment plan which is to be implemented after the effective date of this  
82 provision, an additional public hearing shall not be required; *and*

83 9. *Manage and control federal, state and local educational funds solely for the benefit of the public*  
84 *schools under its supervision.*

85 § 22.1-89. Management of funds.

86 Each school board shall manage and control the funds made available to the school board *solely for*  
87 *the benefit of the public schools under its supervision* and may incur costs and expenses. If funds are  
88 appropriated to the school board by major classification as provided in § 22.1-94, no funds shall be  
89 expended by the school board except in accordance with such classifications without the consent of the  
90 governing body appropriating the funds. *Further, in accordance with the provisions of Article VIII,*  
91 *Section 10 of the Constitution of Virginia, no public funds, whether state or local, shall be appropriated*  
92 *for any school or institution of learning not owned or exclusively controlled by the Commonwealth or*  
93 *some political subdivision thereof, nor shall any state or local funds be expended by a local governing*  
94 *body or a school board or any other agency of state or local government for the establishment,*  
95 *operation, or maintenance of any public school which is initiated and developed by any private person*  
96 *or group.*