

## SCHOOL BOARD BYLAWS

A. Appointment

Members of the school board are appointed by the Lynchburg City Council.

B. Term of Office

Each member is appointed for a term of three (3) years. The term of office begins July 1 of the year of appointment or until their successor assumes office. If a member is appointed to fill an unexpired term of another board member, the appointment shall be for the unexpired portion of the term.

C. Succession

Members may succeed themselves in office for not more than three (3) consecutive terms, or any portion thereof.

Legal Reference:

Code of Va., § 22.1-29.1. Public hearing before appointment of school board members.--"At least seven (7) 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. No nominee or applicant whose name has not been considered at a public hearing shall be appointed as a school board member." (1987)

Code of Va., § 22.1-57.1. Applicability.--"The provisions of this article shall apply to any county, city, or town constituting a separate and entire school division. If a town within a county constitutes a separate school division and the balance of that county constitutes a separate school division, the term county as used in this article shall be construed to mean the balance of the county excepting the town. If a county and city, or any combination thereof, constitute a consolidated school division, each county or city shall be treated as a separate entity for the purposes of this article and be entitled to hold its own referendum and proceed to elect the same number of members to the consolidated board as have been appointed from the county or city. The provisions of this article shall apply to every school division, county, city, and town notwithstanding any other provision of this chapter, of Title 15.1, or of any charter." (1992)

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Appointment/Term of Office/Succession (continued)

Code of Va., § 22.1-57.2. Referendum on direct election of school board members by the voters. The registered voters of any such county, city, or town may, by petition filed with the circuit court thereof, ask that a referendum be held on the question of whether the members of the school board of the county, city, or town shall be elected directly by the voters. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in such locality on the January 1 preceding its filing. Upon the filing of a petition, the circuit court shall order and require the election officials at the next general election to open the polls and take the sense of the voters therein on that question. The petition shall be filed with the court not less than ninety days prior to the general election. The clerk of the court shall cause notice of the referendum to be published once a week for the three consecutive weeks prior to the referendum in a newspaper having general circulation in the county, city, or town, and a copy of the notice shall be posted during the same time on the door of the courthouse of the county or city, or of the county within which the town is located. The question on the ballot shall be: "Shall the method of selecting the school board be changed from appointment by the governing body (or the school board selection commission, whichever is applicable) to direct election by the voters?"

- YES  
 NO

The election shall be held and the results certified as provided in § 24.2-684. (1992)

Code of Va., § 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 by 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 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 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

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Appointment/Term of Office/Succession (continued)

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.

At the first election for members of the school board, so many members shall be elected as there are members to be elected at the regular election for the governing body. At each subsequent regular election for members of the governing body, the same number of members of the school board shall be elected as the number of members to be elected at the regular election to the governing body. However, if the number of members on the school board is greater than the number of members of the governing body, one or more additional members shall be elected to the school board at the first and subsequent general election to the end that the number of members on the initial elected school board is the same as the number of members on the appointed board being replaced.

Except as provided in §22.1-57.3:1, the terms of the members of the school board shall be staggered only if the terms of the members of the governing body are staggered. If there are more, or fewer, members on the school board than on the governing body, the number of members to be elected to the school board at the first and subsequent election for school board members shall be the number required to establish the staggered term structure so that (i) a 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 even number of members, one-half of the members of the school board is elected.

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 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 following their election in the case of a county and on July 1 following their election in the case of a city or town. On December 31 following the first (1st) election of county school board members, or on June 30 in the case of a city or town school board, 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 (1st) election of the school board

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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 writ-in votes, a vacancy shall be deemed to exist in the office as of January 1, in the case of a county school board, or July 1, in the case of a city or town school board, 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." (1996)

Code of Va., § 22.1-57.4. Referendum to revert to appointment of the school board. A. By the same procedure and under the same requirements as provided in § 22.1-57.2, the registered voters of any county, city, or town which selects members of the school board by direct election of the voters may petition for, and the circuit court shall so order, a referendum on the question of changing from direct election of the school board to appointment of school board members by the governing body or, if the petition so states in the case of a county, by a school board selection commission. The question on the ballot shall be: "shall the method of selecting the school board be changed from direct election by the voters to appointment by the governing body (or, if the petition in a county so requests, a school board selection commission):

- YES
- NO

B. If a majority of the qualified voters noting in such referendum vote in favor changing

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the method of selecting school board members to appointment by the governing body or by a school board selection commission, as the case may be, the terms of the school board members in office through direct election shall terminate on June 30 following the referendum. A school board selection commission shall be appointed pursuant to § 22.1-35 if a majority have voted in the referendum for that selection method. The members of the appointed school board shall be appointed for the terms and in the manner provided in the article of this chapter or the chapter of Title 15.2 applicable to the county, city, or town in which the referendum has been held. (1992)

Code of Va., § 22.1-57.5. Limitation on time of holding subsequent referendum.--

"Following any referendum provided for in this article and regardless of its results, no other referendum provided for in this article shall be held within the same locality for the four (4) years thereafter. (1992)

Adopted by School Board: June 5, 1973

Revised by School Board: September 7, 1976