TO:  Prince Edward County Board of Supervisors  
     W.W. Bartlett, County Administrator

FROM:  James R. Ennis, County Attorney

SUBJECT:  Implementation of Elected School Boards

As a result of the referendum vote on November 8, 2016, members of the Prince Edward County School Board will no longer be appointed by the Board of Supervisors of Prince Edward County, but will instead be elected by the voters of Prince Edward County.

This change is governed by Title 22.1, Article 7, Chapter 5, Sections 22.1-57.1 through 22.1-57.3 of the Code of Virginia. A copy of the applicable Code sections has been included with this memo for your convenience.

Pursuant to these Code sections, those members of the School Board appointed to represent Districts 301, 501, 601 and 701, whose terms are now due to expire on December 31, 2017, will be required to qualify and stand for election in November 2017, in the event they wish to continue to serve as members of the School Board. Attached is a chart showing the upcoming election schedule for each county election district for the Board of Supervisors and the School Board. The election of the School Board member coincides with the election of the Board of Supervisor member for a district.

The requirements to run as a candidate for the School Board and the necessary forms will be available from the Prince Edward County Registrar after January 1, 2017.

Attachments

cc:  Prince Edward County School Board  
     Dr. Barbara A. Johnson, Superintendent
## Upcoming Election Schedule for the Prince Edward County Board of Supervisors and School Board

<table>
<thead>
<tr>
<th>Election District</th>
<th>Current Supervisor and School Board Member</th>
<th>Expiration of Current Term of Office</th>
<th>Date of Election</th>
<th>New Term of Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>201 – Lockett</td>
<td>Jones/Frazier</td>
<td>December 31, 2019</td>
<td>November 5, 2019</td>
<td>January 1, 2020 – December 31, 2023</td>
</tr>
</tbody>
</table>
Article 7. Popular Election of School Board

§ 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 15.2, or of any charter.

1992, c. 594.

Notwithstanding the provisions of this article or any other statutory provision, where an existing city and a county consolidate into a consolidated city and where the county at the time of consolidation is providing all school services to the existing city by contract pursuant to § 22.1-27 and the voters of the county have approved direct election of the school board, the consolidation plan or agreement shall provide for the election of school board members directly by the voters of the consolidated city without the necessity of a further referendum under § 22.1-57.2; in such case, the consolidation plan or agreement shall provide that the members of the initial school board shall be elected from the municipal election districts designated in the consolidation plan or agreement. The provisions of § 22.1-57.3 shall apply in all other respects.

1995, c. 728.

§ 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 10 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 111 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, c. 594; 2011, c. 599.

§ 22.1-57.3. Election of school board members; election of tie breaker.
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 or the regular general election in May, as the case may be.

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, 22.1-57.3:1.1, and 22.1-57.3:1.2.

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 differs from the number of members of the governing body, the number of members elected to the school board at the first and subsequent general election shall be either more or less than the number of governing body members, as appropriate, 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, 22.1-57.3:1.1, and 22.1-57.3:1.2, 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 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 coterminal 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.


§ 22.1-57.3:1. Staggered terms of elected school boards in certain counties [Not set out].
(1993, c. 878; 1994, c. 744; 2002, c. 74.)

§ 22.1-57.3:1.1. Loudoun County school board; staggered terms.
Notwithstanding § 22.1-57.3:1 and the second enactment of Chapter 744 of the Acts of Assembly of 1994, the school board of Loudoun County shall be elected as provided in § 22.1-57.3, except that upon a majority vote of its members the terms of school board members may be staggered as provided in this section. At the November 2011 general election, the at-large member and the members from four districts, to be determined by lot by the electoral board of the county prior to its meeting immediately preceding the deadline for candidate filing, shall be elected for four-year terms and the remaining districts’ successful candidates shall be elected for two-year terms.

Thereafter, all members shall be elected for four-year terms and the school board elections shall be conducted biennially for staggered terms.

2010, c. 95.

§ 22.1-57.3:1.2. Pittsylvania County school board; staggered terms.
The school board of Pittsylvania County shall be elected as provided in § 22.1-57.3, except that upon a majority vote of its members the terms of school board members may be staggered as provided in this section. At the November 2011 general election, the members from four districts, to be determined by lot by the electoral board of the county as soon as practicable before the election, shall be elected for four-year terms and the remaining districts’ successful candidates shall be elected for two-year terms.

Thereafter, all members shall be elected for four-year terms and the school board elections shall be conducted biennially for staggered terms.
§ 22.1-57.3:2. Terms of school board members appointed to represent towns in Montgomery County [Not set out].
(1994, c. 377.)

§ 22.1-57.3:2.1. Appointment and terms of school board members for City of Williamsburg [Not set out].
(1998, cc. 125, 218.)

§ 22.1-57.3:3. Election of school board and chairman in certain counties.
A. The provisions of this section shall be applicable in any county (i) which has the county executive form of government and which is contiguous to a county having the urban county executive form of government and (ii) in which the chairman of the board of supervisors is elected at large.

B. Following a referendum held in 1994 or thereafter in which the qualified voters of the county approve a change to an elected school board, the school board shall be elected as provided in § 22.1-57.3 except as otherwise provided in this section. One member of the school board shall be elected at large. All other members shall be elected from the same districts from which the members of the board of supervisors other than the chairman are elected. The member of the school board who is elected at large at the initial or any subsequent election shall be the chairman of the school board during his term of office notwithstanding the provisions of § 22.1-76.

1995, c. 842.

§ 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 voting in such referendum vote in favor of changing 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, c. 594.

§ 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 years thereafter.

1992, c. 594.