



# VSBA

**Virginia School Boards Association**

Leadership • Advocacy • Support

## **School Board Candidate Guide**

Information for Future School Board Members

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*Revised July 2016*

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## ABOUT THIS GUIDE

The following information is provided to acquaint both candidates and community members with an overview of qualifications, procedures and legal implications related to filling a seat on a local school board, as well as the roles and responsibilities of school board members. This resource was also created as a guideline for structuring school board candidate forums to encourage all communities to promote voter awareness and careful consideration of school board candidates' qualifications. While the effectiveness of a school board member, elected or appointed, depends upon his or her personal qualities and the knowledge and talents that he or she contributes to the board, an informed and supportive community sets the stage for effective schooling and school governance.

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## About the Virginia School Boards Association (VSBA)

The Virginia School Boards Association (VSBA) is a voluntary, self-supporting and nonpartisan organization whose primary mission is the advancement of education through the unique American tradition of local citizen control of, and accountability for, the Commonwealth's public schools. In this way, education policy is decided by the local school boards who are directly accountable to the community. VSBA promotes quality education through services to local school boards. It represents school boards' interests before the legislature, state agencies, Congress and other state and national regulatory bodies.

Membership of the VSBA includes 100% of the local school boards of Virginia. Founded in 1906, VSBA represents the Commonwealth's school boards, who in turn, govern the schools attended by 100% of the public school children in Virginia.

The VSBA offers a variety of services that are customized and tailored for Virginia school divisions, including:

- Superintendent Searches
- Board Training & Development
- Meetings & Conferences
- Legal Services
- Policy Development
- Public Relations & Communications
- Government Relations & Advocacy

# SCHOOL BOARD CANDIDATE GUIDELINES

School board elections can be a healthy venue for focusing public attention on significant educational issues. Issues-focused campaigns encourage public discussion of local school division goals, community representation and effective school governance. Campaigns on behalf of single-issue groups or those based solely on criticism of the schools and/or school personnel are generally counterproductive because:

- School board candidates, incumbent and non-incumbent, often do not have all of the pertinent facts and information at hand. This is particularly true in matters regarding personnel, where the law dictates that most information is confidential.
- Some campaign promises are not within a local school board's powers or duties. For example, it is not a school board's responsibility to raise revenue through taxation.
  - That's the legal responsibility of the city or town council or the county board of supervisors. The first and foremost concern of a school board is to set goals and establish policies that improve and enhance the teaching and learning experience for all students in the public schools. To that end, a "needs-based" budget is proposed.
- Depending on the outcome of an election, school board candidates may end up sitting on the board with those who hold opposing views. School board members function as part of the whole and do not have authority as individuals except as expressly delegated by the school board as a whole. Consequently, it is in everyone's best interests that school board members work together.
- School board members have serious legal responsibilities to be impartial in decisions affecting school staff and students. Improper involvement or bias as an individual can open a school board member and, indeed, the entire school board to costly lawsuits.
- Individual school board members have no authority that is separate from the entire school board. They need to be aware of this fact in their dealings with school staff, citizens and media. The following Code of Conduct includes recommended standards of behavior for all school board members. These recommendations are equally valid for school board candidates as they aspire to office.

## VSBA Code of Conduct for School Board Members

Each member of a local school board should be guided by a Code of Conduct - a code that begins with a genuine commitment to public education that supports the full development of all children and the welfare of the community, Commonwealth and nation. As a member of my local school board, I will strive to be an advocate for students and to improve public education and to that end:

1. I will have integrity in all matters and support the full development of all children and the welfare of the community, Commonwealth and nation.
2. I will attend scheduled board meetings.
3. I will come to board meetings informed concerning the issues under consideration.

4. I will make policy decisions based on the available facts and appropriate public input.
5. I will delegate authority for the administration of the schools to the superintendent, and establish a process for accountability of administrators.
6. I will encourage individual board member expression of opinion and establish an open, two-way communication process with all segments of the community.
7. I will communicate, in accordance with board policies, public reaction and opinion regarding board policies and school programs to the full board and superintendent.
8. I will bring about desired changes through legal and ethical procedures, upholding and enforcing all laws, state regulations and court orders pertaining to schools.
9. I will refrain from using the board position for personal or partisan gain and avoid any conflict of interest or the appearance of impropriety.
10. I will respect the confidentiality of privileged information and make no individual decisions or commitments that might compromise the board or administration.
11. I will be informed about current educational issues through individual study and participation in appropriate programs, such as those sponsored by my state and national school boards associations.
12. I will always remember that the foremost concern of the board is to improve and enhance the teaching and learning experience for all students in the public schools of Virginia.

# SCHOOL BOARD CANDIDATE FAQ's

## How do I run for my local school board?

Any person who is qualified to vote and who resides in the district he or she seeks to represent (if election is by district) or the division (if election is at large) can be a school board candidate (see Va. Code § 22.1-29). Candidates must file a declaration of candidacy with the general registrar of the county or city in which the candidate resides. Petitions containing the signature of at least 125 qualified voters of the election district (or if the district has 1,000 or fewer registered voters, at least 50 qualified signatures) must be filed with the declaration of candidacy. The declaration and petitions must be filed by the second Tuesday in June (for November elections) or the first Tuesday in March (for May elections). Contact your local general registrar or the State Board of Elections for deadlines for special elections and necessary forms and details. The telephone number for the State Board of Election in Richmond is 804-864-8901; outside of the Richmond area, call 800-552-9745. Questions may also be directed to [info@elections.virginia.gov](mailto:info@elections.virginia.gov).

## What do I need to know about campaigning and fundraising?

The State Board of Elections prepares a Candidate Bulletin for each election. Each Bulletin contains very specific information about the requirements for candidates and it should be read thoroughly. All candidates must file pre-election and post-election Reports of Campaign Contributions and Expenditures with the electoral board of the candidate's resident division. These forms are due even if no contributions are received or expenditures made. Also, candidates in counties, cities or towns with a population of 3,500 or more are required to file a Statement of Economic Interests with their general registrar. Campaign political advertisement disclaimer statements are required under Virginia's Financial Disclosure Act (see Va. Code § 24.2-955 et seq.). For more details and requirements, contact the State Board of Elections. The telephone number in Richmond is 804-864-8901; outside of the Richmond area, call 800-552-9745.

## Are school board elections partisan or non-partisan?

School board elections are required by law to be non-partisan. This means that no candidate may be nominated by a political party but does not preclude political party endorsement of a candidate.

## As a candidate, may I attend open school board meetings to share my view?

Yes. At a board meeting, you have the same right to address the board as any citizen of the community. You may express your views at appropriate times as provided by board policy. No candidate, incumbent or otherwise, should use school board meetings as a personal forum for his or her campaign.

## May I visit with staff members and students, examine school facilities and obtain budget figures as a candidate?

Yes, but you have no special privileges in doing so. You must abide by your local school board policies regarding school visitation and refrain from interfering with educational activities. As a matter of record, copies of the school budget and other information are available upon request and are typically posted on the school division's website. However, citizens who request information may be asked to reimburse the school division for staff time and supplies used in retrieving the material.

### **Can I run for the school board if I have a spouse or relative employed by my school division? What if I work for the schools or for my local government?**

Virginia law generally prohibits school boards from employing the spouse and other close family members of school board members. (see Va. Code § 2.2-3119). However, there are several exceptions to the general rule. Contact your local city/county or Commonwealth attorney for details.

Any employee of a school board is prohibited from serving on the school board. The employee may run as a candidate provided no local rules prohibit the candidacy, but if elected, he or she must resign the employee position before taking office. An employee of one school division may be elected to a school board of another school division where he or she resides.

Some state and local government officials are prohibited from being school board candidates (see Va. Code § 22.1-30). Contact your local city/county or Commonwealth attorney to determine eligibility.

### **Am I prohibited from holding office if I do business with my local government?**

The State Board of Elections advises that prospective candidates contact their local city/county or Commonwealth attorney as to whether the provisions of the State and Local Government Conflict of Interests Act might affect your eligibility to be a school board member (see Va. Code § 2.2-3100 et seq.).

### **Will I be paid or reimbursed for my service on the school board?**

If paid at all, salaries or reimbursements for school board members vary among school divisions. Section 22.1-32 of the Code of Virginia provides general information regarding salaries for school board members but does not specify actual salaries in each division. Consult your school board clerk for information about your division.

### **What effect will being a board member have on my personal life?**

Probably the biggest impact of school board service is the amount of time that one needs to devote to school board duties. In addition to school board meetings, school board members spend hours reading school-related materials, visiting schools or attending conferences and attending school and community affairs as a public official. While all of these activities are necessary to being a well-informed school board member, they require a considerable amount of time, talent and dedication.

Also, school boards often deal with difficult and controversial issues that call for hard — and inevitably, unpopular — choices. Even though no single school board member has any personal authority to act, board members must be prepared to face both praise and criticism from the media and from people in the community.

### **Can I be sued as an individual board member?**

Yes. School divisions usually have legal liability insurance to cover the cost of defending lawsuits. Such suits are generally defended by asserting that the school board and school board members have sovereign immunity for their own negligent acts, but not for grossly negligent or intentional acts. The board may retain counsel for advice and to defend members in accordance with Section 22.1-82 of the Code of Virginia.

# LEGAL ASPECTS OF SCHOOL BOARD MEMBERSHIP

## CONSTITUTIONAL AUTHORITY OF SCHOOL BOARDS

“The supervision of schools in each school division shall be vested in a school board, to be composed of members selected in the manner, for the term, possessing the qualifications, and to the number provided by law.” Constitution of Virginia, Art. VIII, §7.

## POWERS AND DUTIES OF SCHOOL BOARDS (from the Code of Virginia)

### Excerpts from § 22.1-79 Powers and duties

- See that school laws are properly explained, enforced and observed.
- Secure 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.
- Care for, manage and control the property of the school division.
- 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.
- Obtain public comment through a public hearing in certain instances.
- Operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching and the government to be employed in the schools consistent with state statutes and regulations.
- Establish and administer a grievance procedure for certain employees in accordance with state law.
- Perform such other duties as shall be prescribed by the Board of Education or as imposed by law.
- Survey the school division to identify critical shortages of teachers and administrative personnel by subject matter.
- Ensure that the schools in the division are registered with the Department of State Police to receive electronic notification of registration of sex offenders in the division.

**§22.1-60 Appoint a division superintendent of schools in accordance with state law.**

**§22.1-78 Adopt bylaws and regulations for its own government, for the management of its official business and for the supervision of schools.**

**§22.1-92 Approve the school board budget prepared by the superintendent and submit it to the appropriating body for the school division in accordance with state law.**

## CONFLICTS OF INTEREST

### §2.2-3108 Prohibited Contracts—General Rule

- No person elected or appointed as a member of a school board shall have a personal interest in (i) any contract with his or her school board or (ii) any contract with any governmental agency which is subject to the ultimate control of the school board of which he or she is a member.

## **§2.2-3108 and §2.2-3110 Certain exceptions may apply**

### **§2.2-3112 Personal Interest in a Transaction**

- Under certain circumstances, a school board member who has a personal interest in a transaction may have to disqualify himself from participating in the transaction.

### **§2.2-3119 Employees of School Boards**

- Except in limited situations, certain relatives of school board members may not be employed by the school board.

## **REMOVAL FROM OFFICE - §24.2-230 et seq.**

**§24.2-231 and §24.2-232** Automatic forfeiture of office when convicted of a felony or any offense for which registration as a sex offender is required and all appeals exhausted, or if judged mentally incompetent.

**§24.2-233** Elected members may be removed by circuit court upon petition signed by registered voters equaling 10% of votes cast at the last election for neglect of duty, misuse of office, incompetence or conviction of certain misdemeanors.

**§24.2-234** Appointed members may be removed by circuit court upon petition signed by a majority of the body that appointed him or her if the appointing body lacks unilateral power of removal.

## **OVERSPENDING - §22.1-91**

“No school board shall expend or contract to expend, in any fiscal year, any sum of money in excess of the funds available for school purposes for that fiscal year without the consent of the governing body or bodies appropriating funds to the school board. Any member of a school board . . . violating, causing to be violated or voting to violate this provision shall be guilty of malfeasance in office.”

## **LIABILITY**

School board members have sovereign immunity for their own negligent acts but not for gross negligence or for intentional acts.

School boards have sovereign immunity except in a few situations.

## **OTHER IMPORTANT STATUTES**

**§2.2-3100 et seq. State and Local Government Conflict of Interests Act**

**§2.2-3700 et seq. Virginia Freedom of Information Act**

**§2.2-4300 et seq. Virginia Public Procurement Act**

**§42.1-76 et seq. Virginia Public Records Act**

# HOLDING A SCHOOL BOARD CANDIDATE COMMUNITY FORUM

## Reasons for School Board Candidate Community Forums

- Voters who understand the role of a local school board, and its importance and authority, are better equipped to make informed decisions at the polls.
- Candidate forums can improve the quality of the campaign. If candidates are familiar with the problems, constraints and accomplishments of the local schools, they will be able to run issues-oriented campaigns and avoid unrealistic promises and charges.
- Training needs to begin even before the election because new school board members take their seats almost immediately. A well-educated board member is able to make informed decisions.

## Sponsorship

Who should sponsor or conduct school board candidate forums? The answer will vary from locality to locality. Educational or civic organizations (e.g. parent-teacher organizations or the League of Women Voters) are likely sponsors, although any non-partisan group of citizens dedicated to encouraging community participation and qualified school board candidates can sponsor forums. Whomever the sponsor, the forum facilitator should be someone who is:

- Familiar with the school division and board operations.
- Knowledgeable about leadership and training strategies.
- Not involved with a school board election campaign.

If school board candidates are invited to share their views, the forum facilitator should be someone who can prevent the forum from being dominated by any single candidate while still allowing give-and-take. School employees who are serving as resource persons should be careful not to be drawn into arguments or placed in defensive positions regarding division policies or practices. Potentially tricky questions should be referred to the designated board spokesperson.

Keep forums practical and down-to-earth. They should be limited to overviews of issues and/or school board candidates' philosophies and plans. Those who want more information on a given subject should be referred to appropriate school sources. Try not to rely entirely on lectures, permitting time for discussion and questions from the audience.

## Suggested Questions to Ask School Board Candidates

- What is your purpose in running?
- What do you consider to be strengths of our school system? What do you think are weaknesses of our school system?
- What school board actions have you supported in recent years? What recent school board actions did you disagree with?
- What specific changes do you intend to work for and describe how these changes will benefit our students?
- Are you willing and able to commit the time and effort it takes to become an active, well-informed school board member?
- How would you describe your ability to work with others?
- As a school board member, who do you consider to be the greatest beneficiary of an excellent school system — students, parents or taxpayers?