

Board of Education

The Constitution of the United States provides that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states are reserved to the states respectively, or to the people".

From this base was carved Article XII of the Constitution of West Virginia, which states: "The Legislature shall provide, by general law, for a through and efficient system of free schools". The Legislature then mandated the state board of education and vested in it the power to determine the educational policies of the state. This vestment included the power to make rules for carrying into effect the laws and policies of the state relating to education, along with the ability to prescribe the general powers and duties of county boards of education.

The county board of education is legally an agent of the state for carrying out "the educational policies determined by the state". The county board of education, as an agent of the state, is operated under the constitution of the state, the legislative statutes, rulings of the attorney general, rulings of the state superintendent of schools, court decision, and regulations of the state board of education.

The Board of Education of the County of Summers is also responsible to the citizens of Summers County for the carrying into effect their desires and best interest in matters dealing with education in the public schools.

General Organization

Name and Legal Status: A board of education in West Virginia is a quasi-public corporation, existing only under statute, having only the powers given by statute and such implied powers as are absolutely necessary to execute such express powers.

Administrative Unit: The administrative unit employed is that a county unit, as created by the West Virginia Legislature in 1933.

Membership and Election of the Board of Education:

- A. **Control:** Each county school district shall be under the supervision and control of a county board of education.
- B. **Number of Members:** The board shall be composed of 5 members.
- C. **Election:** Members shall be nominated and elected by the voters of the respective county without reference to political party affiliation. No more than two members shall be elected from the same magisterial district.
- D. **Term of Office:** Each elected board member shall serve a term of 4 years.
- E. **Eligibility:** All persons meeting the following requirements are eligible for election and membership on the board of education:
 1. Must be a United States citizen
 2. Must be a resident of Summers County.
 3. Is not employed by the Summers County Board of Education.
 4. Is not a member of any political party executive committee.
 5. While a board member, the individual is not eligible for nomination or election to any public office, unless and until after his membership on the board has been terminated at or before the time of his filing for such nomination for, or appointment to, such elective public office.

SUMMERS COUNTY BOARD OF EDUCATION

Adopted: 2/26/74 Rev. 7/23/03

Reference: WV Codes: 18-2, 18-5-5, 18-1-3

Page 1 of 1

Code: II-B