

## Chapter I

### Marshall County Board of Education

#### 1.1 General Organization

##### 1.1.1 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.

The County Board of Education shall be a corporation by the name of "The Board of Education of the County of Marshall". (W.Va. Code §18-5-5)

##### 1.1.2 Administrative Unit

The administrative unit employed is that of a county unit, as created by the West Virginia Legislature in 1933. (W.Va. Code §18-1-3)

##### 1.1.3 Membership and Election of the Board of Education Control.

Each county school district shall be under the supervision and control of a county board of education.

**Number of Members.** The board shall be composed of five members.

**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.

**Term of Office.** Each elected board member shall serve a term of four years.

**Eligibility.** All persons meeting the following requirements are eligible for election and membership on the board of education:

1. Must be a U.S. citizen.
2. Must be a resident of Marshall County.
3. Is not employed by the Marshall County Board of Education.
4. Is not a member (elected or appointed) of any political party executive committee.
5. While a board member, or board member elect, the individual is not eligible for nomination, election, or appointment to any public office, unless and until after that membership on the board, or status as member elect to the board, has been terminated at or before the time of filing for such nomination for, or appointment to, such elective public office.

#### **1.1.4 Organization of the Board**

"On the first Monday of July, following each biennial primary election, each respective board of education shall organize and elect, for a two-year term, a president from its own membership and report same promptly to the State Superintendent of Schools." (W.Va. Code §18-5-1c)

#### **1.1.5 Board Vacancies Causes.** Vacancies arise on the board of education for the following reasons:

1. Death of a board member.
2. Resignation of a board member.
3. Failure of a board member to meet the eligibility terms as defined under General Organization: Membership and Election of the Board of Education, in this section of this manual.

**Filling of a Vacancy.** The board shall, by appointment, fill within thirty days any vacancy that occurs in its membership. Such an appointment shall continue until the next primary or general election, whichever may first occur, when the voters shall elect a successor for the unexpired term.

Failure of the county board to fill the vacancy within the thirty days will automatically empower the state superintendent to appoint an individual to fill the vacancy.

**Exception to Vacancy Laws.** Should a vacancy occur less than forty-two days next preceding any primary or general election, such vacancy shall not be filled by election until the next succeeding primary or general election.

Section Reference: W.Va. Code §18-5-2.