

PRESTON COUNTY BOARD OF EDUCATION FILE: 2 – CENTRAL OFFICE ADMINISTRATION File: 2-20 Endnotes	Last Reviewed: 8-9-10 Next Review: 7-1-12
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ENDNOTES

File: 2 – Central Office Administration

West Virginia Constitution:

Article XII, Section 3

West Virginia Codes:

<u>Code</u>	<u>Topic of the Code</u>
§ 18-4-1 -----	Election and term; interim superintendent; acting superintendent.
§ 18-4-2 -----	Qualifications; health certificate; disability; acting superintendent.
§ 18-4-3 -----	Removal and suspension.
§ 18-4-4 -----	Compensation.
§ 18-4-5 -----	Payment of compensation.
§ 18-4-7 -----	Office located within the county.
§ 18-4-8 -----	Clerical assistant; monthly salary from maintenance fund.
§ 18-4-9 -----	Reimbursement for traveling expenses; voucher.
§ 18-4-10 -----	Duties.
§ 18-4-11 -----	Other powers and duties.
§ 18-5-13 -----	Authority of boards generally.
§ 18-5-25 -----	Duties of superintendent as secretary of board.
§ 18A-2-7 -----	Assignment, transfer, promotion, demotion, suspension of personnel; etc

State Board Policies:

<u>Policy</u>	<u>Topic of the Policy</u>
SBP 5309	County Superintendent Performance Evaluations

Relevant Court Cases:

Dillon v. Board of Education, 301 S.E.2d 588 (1983) – The superintendent exercised proper authority in closing a school because of a picket line established by citizens. The decision also stated that teachers who refused to cross the picket line must be paid their regular salary for the days lost.

Hall v. Pizzino, 263 S.E. 2d 886 (1980) – County superintendents are not merely subject to the control of the board, but exercise a multitude of powers and duties independent of the board.

State ex rel Hawkins v. Tyler County Board of Education, 275 S.E. 2d 908 (1980) – Teachers have no right to be assigned to any particular school.

Morgan v. Pizzino, 256 S.E. 2d 592 (1979) – Employees must be provided notice and hearing before they can be placed on a transfer or reassignment list to be approved by the board.

Anderson v. Board of Education, 233 S.E.2d 703 (1977) – It is not necessary that an applicant for the position of superintendent be a resident of the county at the time of the application for the position.

Beverlin v. Board of Education, 216 S.E. 2d 554 (1975) – The superintendent must exercise his/her power to assign, transfer, suspend or promote personnel in a reasonable manner.

Cochran v. Trussler, 89 S.E. 2d 306 (1955) – The superintendent's recommendation is required for the employment of professional personnel. The board may refuse to accept the superintendent's nominations, but it may not employ any professional personnel without the nomination of the superintendent.

State ex rel Rogers v. Board of Education, 25 S.E. 2d 433 (1943) – The proceeding for removal of a superintendent is quasi-judicial and must be conducted as such.

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