

SCHOOL DISTRICT LEGAL STATUS

The Constitution of the United States provides that the powers are 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. Thus, education has been historically one of the reserved powers and responsibilities of the several states.

This reserved power is addressed in Article XII of the Constitution of the State of West Virginia. "The Legislature shall provide, by general law, for a thorough and efficient system of free schools." The Legislature has created a county system of public education within the State. It has also created a State Board of Education and vested in it the power to determine the educational policies of the State within the guidelines of the State Constitution and Statutes. This vestment includes 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 not delineated in the State Statutes.

Source: Board of Education Minutes

Date: 8/15/81

Legal Reference: Constitution of the United States, Amendments:
Article X; Constitution of the State of West
Virginia: Article XII; School Laws of West
Virginia: 18-1-3, 18-2-5