

**CHAPTER: SCHOOL BOARD OPERATIONS**  
**TITLE: MEETINGS**

**Parliamentary Authority**

The parliamentary authority governing the Board shall be the most recent edition of Robert's Rules of Order, Newly Revised, in all cases in which it is not inconsistent with statute, administrative code, or these bylaws or the rules of order of this Board.

**Quorum**

A majority of the members of a Board present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

**Presiding Officer**

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the Vice-President shall act instead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

**Notice of Meetings**

A. The Board shall set rules by which the date, time, place, and agenda of all regular and special meetings shall be made available in advance to the public and news media except in the event of an emergency requiring immediate official action. A Board which holds two (2) or fewer regular meetings per month must give the public and the news media at least:

1. three (3) days' advance notice of the date, time, place, and agenda of each regular meeting;
2. two (2) days' advance notice of any amendments to that agenda (assuming that the amendments are otherwise lawful), and
3. two (2) days' advance notice of the date, time, place, and purpose of all special meetings.

A Board which meets more frequently than twice per month is subject to exactly the same standards except that, as to each regular meeting, it only must give at least two (2) days' advance notice of the date, time, place, and agenda.

A Board shall provide notice and purpose of an emergency meeting in a manner which is consistent with WV Code Section 6-9A-3 and the Ethics Commission Committee on Open Governmental Meeting's opinions as soon as practicable prior to the meeting.

In calculating days for purposes of all the notices, omit Saturdays, Sundays, and legal holidays, and do not count the day of the meeting. An example from the West Virginia Ethics Committee itself: in order to give the minimum two (2) days' notice of a special meeting that will be held on Monday, the notice must be posted not later than the close of business on Thursday.

Emergencies: An unexpected event which requires immediate attention because it poses: an immediate threat to public health or safety; an imminent threat of damage to public or private property; or an imminent material financial loss or other imminent substantial harm to a public agency, its employees or the member of the public which it serves.

§ 6-9A-3, Code of West Virginia. West Virginia Ethics Commission Opinion.

B. Notice of meetings shall be sent to all schools, and posted in the lobby of the Board Office and to the Calhoun County Schools web site.

C. The Superintendent shall notify all Board members of each Board meeting consistent with the notice provision set out above. Such notice shall include the date, time, place, and agenda of the meeting.

### **Regular Meetings**

Regular meetings of the Board shall be public and held on the second Monday of each month, or otherwise stated.

A. It shall be the responsibility of the Superintendent, in cooperation with the Board President, to prepare an agenda of the items of business to come before the Board at each regular meeting.

B. The agenda of the regular monthly meeting(s) or special meetings shall be accompanied by a report from the Superintendent on information relating to the County with such recommendations as s/he shall make.

Each agenda shall contain the following statement:

C. The agenda for each regular meeting shall be mailed, emailed or delivered to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be mailed no later than two (2) working days prior to the meeting, or delivered so as to provide time for the study of the agenda by the member. The agenda may also be obtained by Board members at the Board office. The agenda for a special meeting shall be delivered at least one (1) working before the meeting, consistent with provisions calling for special meetings.

D. The Board shall transact business according to the agenda prepared by the Superintendent and submitted to all Board members in advance of the meeting. The order of business may be altered.

E. Consent Agenda

The Board shall use a consent agenda to keep routine matters within a reasonable time frame.

The following routine business items may be included in a single resolution for consideration by the Board:

1. minutes of prior meetings
2. bills for payment

3. hiring of personnel
4. resolutions that require annual adoption
5. resignations and leaves

A member of the Board may request any item be removed from the consent resolution. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion.

### **Special Meetings**

Special meetings of the Board shall be public WV Code 6-9A-3.

A. Special meetings shall be called by the President or by any three (3) members of the Board. The notice of the date, time, place, agenda and reason for the special meeting shall be made available to the public and media § 18-5-4(b), Code of West Virginia.

B. Only such business as is designated in the call for the special meeting shall be transacted.

### **Recess**

The Board may adjourn or recess at any time. The adjourned meeting, when reconvened, shall take up its agenda at the point where the motion to adjourn or recess was acted upon.

### **Executive Session**

The Board reserves the right to meet privately in executive session upon a majority affirmative vote of the members present solely to discuss one (1) or more of the following issues exempted from public sessions:

- A. to consider acts of war, threatened attack from a foreign power, civil insurrection or riot
- B. to consider:
  1. matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal, or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting or
  2. for the purpose of conducting a hearing on a complaint, charge or grievance against a public officer or employee, unless the public officer or employee requests an open hearing. General personnel policy issues may not be discussed or considered in a closed meeting. Final action by a public agency having authority for the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal, or compensation of an individual shall be taken in an open meeting.
- C. to decide upon disciplining, suspension, or expulsion of any student in any public school or public college or university, unless the student requests an open meeting

D. to issue, effect, deny, suspend or revoke, a license, certificate or resignation under the laws of the State or any political subdivision, unless the person seeking the license, certificate or registration or whose license, certificate or registration was denied, suspended or revoked requests an open meeting

E. to consider the physical or mental health of any person unless the person requests an open meeting

F. to discuss any material the disclosure of which would constitute an unwanted invasion of an individual's privacy such as any records, data, reports, recommendations or other personal material of any educational, training, social service, rehabilitation, welfare, housing, relocation, insurance and similar program or institution operated by a public agency pertaining to any specific individual admitted to or served by the institution or program, the individual's personal and family circumstances

G. to plan or consider an official investigation or matter relating to crime prevention or law enforcement

H. to develop security personnel or devices

I. to consider matters involving or affecting the purchase, sale or lease of property, advanced construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the State or any political subdivision:

1. provided, that information relied on during the course of deliberations on matters involving commercial competition are exempt from disclosure under the open meeting requirements of this article only until the commercial competition has been finalized and completed

2. provided, however, that information not subject to release pursuant to the West Virginia freedom of information act does not become subject to disclosure as a result of executive session

J. to avoid the premature disclosure of an honorary degree, scholarship, prize or similar award

K. nothing in this article permits a public agency to close a meeting that otherwise would be open, merely because an agency attorney is a participant. If the public agency has approved or considered a settlement in closed session, and the terms of the settlement allow disclosure, the terms of that settlement shall be reported by the public agency and entered into its minutes within a reasonable time after the settlement is concluded.

L. to discuss any matter which, by express provision of Federal law or State statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act. No official action or vote may be taken in executive session §6-9A-4(a), Code of West Virginia, with the exception of expulsion hearing matters pertaining to student discipline §6-9A-4(3), Code of West Virginia.

Executive sessions may be held during regular, special or emergency meetings. After the meeting is convened, any member may make a motion for an executive session, stating therewith the purpose of the session by citing one (1) or more of the reasons set forth above. Upon receiving a second to the

motion and a majority vote of those present and voting, the chairperson shall declare the Board in executive session and specifically state the reason and cite one (1) of the reasons set forth above.

No member of the Board may knowingly and improperly disclose any confidential information acquired in the course of his/her official duties.

### **Voting**

All motions shall require for adoption a majority vote of those present and voting, except as provided by statute, these bylaws, or parliamentary authority. Upon the demand of any member of the Board, the vote shall be recorded by roll call.

Unless a specified number of affirmative votes are required, an abstention shall be recorded and deemed to consent to the outcome of the voting. In situations in which a tie vote occurs and abstentions have been cast, the motion shall fail for lack of a majority.

All actions requiring a vote can be conducted by voice vote or show of hands, unless a roll-call vote is requested or required to vote. A Board member must be at the meeting location in person, or otherwise stated in the policy. Each vote and abstention shall be recorded. Proxy voting is prohibited.

### **Electronic Participation at Board Meetings**

The board authorizes that the board president, or their designee, may allow board members to participate electronically in a board meeting or portion of a board meeting if there is good cause why the board members cannot attend in person and the request is received sufficiently in advance to allow a good quality electronic connection to be set up. Members who participate in a board meeting through electronic means may be counted in the quorum. Due to security concerns, electronic participation in closed executive sessions will not be permitted. All votes during a meeting in which a board member is participating electronically, a roll-call vote will be required on all actions.

### **Use of Electronic Mail**

Since E-mail is a form of communication that could conflict with the Sunshine Law, it will be used only for the purposes of communicating:

- A. messages between Board members or between a Board member and employee(s) which do not involve deliberating or rendering a decision on matters pending before the Board;
- B. possible agenda items between the Superintendent and the Board President;
- C. times, dates, and places of regular or special Board meetings;
- D. a Board meeting agenda or public record information concerning items on the agenda;
- E. requests for public record information from a member of the administration, school staff, or community pertaining to County operations;
- F. responses to questions posed by members of the public, administrators, or school staff.

Under no circumstances shall Board members use E-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by E-mail. Messages that have been deleted may still be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Public Records Act, unless an exemption would apply.

### **Minutes**

The Superintendent shall cause minutes of all its meetings to be kept showing the date, time and place of the meeting; the members present and absent; all motions, proposals, resolutions, and measures proposed, the name of the person proposing the same and their disposition; and the results of all votes and, upon the request of a member, pursuant to the rules, policies or procedures of the Board for recording roll call votes, the vote of each member by name. If the Board chooses to record minutes of executive sessions, such minutes shall reflect only the general subject matter of discussions § 6-9A-5, Code of West Virginia.

The Superintendent shall provide each Board member with a copy of the minutes of the last meeting no later than three (3) days before the next regular meeting.

The minutes of Board meetings shall be considered at the next succeeding meeting where they shall be corrected, if necessary, and approved. If material changes are required to be made to the draft minutes reviewed by the Board, then, in the absence of compelling circumstances, the minutes should be available for inspection no later than three (3) business days following the meeting in which the minutes are approved. In calculating days, the day of the meeting, Saturdays, Sundays, and legal holidays are excluded. If there are minor or no corrections to be made to the draft minutes, the approved minutes shall be made available immediately following the minutes, but not later than the close business on the next business day. The approved minutes shall be signed by the Superintendent as secretary to the Board and the President.

The approved minutes shall be filed in the Superintendent's office in a prescribed minute book as a permanent record of official Board proceedings.

### **Public Participation at Board Meetings**

The Board of Education recognizes the value to school governance of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.

A. Commonly referred to on its agenda as delegations the Board of Education of Calhoun County ("Board") provides a limited public forum during its regular meetings for members of the public to address the Board about matters relating directly to the programs, activities, and operations of the public schools. Persons who attempt to address the Board about matters unrelated to this topic will not be granted time to address the Board and will be asked to cease speaking and be seated.

B. The following guidelines will be followed for the delegations portion of regular meetings of the Board:

1. The Board requests that persons with complaints and/or concerns about an alleged violation of state law or the policies, rules and regulations of the West Virginia Board of Education relating to the conduct of the school system file a written claim under the Conflict Resolution Process for Citizens contained in West Virginia Board of Education Policy 7211 before bringing any such matter to the Board's attention during the delegations portion of a regular Board meeting. Such claims are always filed first at the school building or department level with the administrator in charge. Likewise complaints about specific employees should first be brought to the attention of the employee and/or his/her supervisor.
2. No less than 15 minutes prior to the commencement of a regular meeting of the Board, on a form provided by the Superintendent (or his/her designee), any person wishing to address the Board shall print his/her name, write a very brief description of his/her topic, and sign the form.
3. All persons registered to speak shall be given no more than 5 minutes to address the Board.
4. By majority vote of the members of the Board in attendance, the 5 minute limitation may be extended.
5. When there is more than one person at a meeting who desires to speak on the same subject from the same point of view (i.e., taking essentially the same position as another person for or against some action or policy), the Board hereby designates its president to decide, on a meeting-by-meeting basis, whether or not to insist that all such persons appoint a single representative to speak for them rather than allowing each speaker to address the Board individually.
6. By this policy, and despite having no legal obligation to do so, the Board intends to designate a reasonable amount of time for speakers to address the Board. Ordinarily the delegations portion of any regular meeting of the Board shall not be permitted to exceed 20 minutes. Persons who are unable to speak due to this time constraint are encouraged to come to the next regular Board meeting to speak.
7. When there are more persons registered to address the Board than can do so under the foregoing time constraints, the Board, by majority vote of the members present, may elect to give each registered person wishing to address the Board a pro-rata share of the allotted time period referenced above which may result in each speaker being allotted less than the normal 5 minutes to speak. This is merely an option, not a requirement.
8. By majority vote of the members present, the delegations portion time limitation for a meeting may be extended by a specific number of minutes. This is merely an option, not a requirement.
9. In no case shall members of the Board hold any discussion, debate, and/or deliberation amongst themselves or with speakers about matters raised by the speaker unless the matter was clearly listed on the Board's agenda such that the public was given notice that the topic would be addressed during the Board meeting. Where the Board agenda makes no clear reference to a speaker's topic, no Board member shall give any direct response to a speaker other than to acknowledge and/or thank the speaker for presenting the information to the Board and/or to ask very simple and limited questions in order to be certain the Board understands the speaker's message. Provided, that members of the

Board may discuss whether any official action will be needed and if so ask that the matters raised be placed on some future agenda for consideration by the Board.

10. All persons shall speak with proper decorum and respect. All speakers are solely responsible for the content and effects of their statements/presentations and are advised to carefully consider what, if any, liability they might incur for defaming or otherwise harming any other person or organization through their speech in this limited public forum. The Board, by making this limited public forum available, assumes no responsibility for the statements of those persons who choose to speak and does not necessarily agree with the content of any statements made.

11. Removal from meeting. Pursuant to W. Va. Code 6-9A-3, the Board hereby designates its president to order the removal of persons from meetings for disrupting a meeting to the extent that orderly conduct of the meeting is compromised.

**ADOPTION DATE:** 03/14/16

**REVISION DATE:** 08/13/18