

## **SCHOOL BOARD MEETINGS**

The Board recognizes that the public schools of the district belong to all the people, are supported by the citizenry, and are designed to carry out the wishes of the people, which are reflected in the philosophy of the district. Consequently, official business of the Board shall be conducted in legally called open sessions. Every effort shall be exerted to keep the public informed concerning their schools.

Statutory Meetings: The Board shall meet on the first Monday of July. When this meeting follows a biennial general election, Boards shall organize for the ensuing two-year period. In addition, the Board shall meet annually between March 7<sup>th</sup> and 28<sup>th</sup> to fix the estimated tax levy rates and report the same to the State Tax Commissioner. This meeting adjourns to the 3<sup>rd</sup> Tuesday in April.

In addition, a public hearing shall be held concerning the preliminary operating budget for the next fiscal year not less than ten days after such budget has been made available to the public for inspection and within a reasonable time prior to the submission of said budget to the West Virginia Board of Education for approval and at such hearing reasonable time shall be granted to any person or persons who wish to speak regarding parts or all of such budget. Notice of such hearing shall be published as a Class I legal advertisement.

Reconvened Meetings: Any meeting reconvened for the purpose of continuing that meeting in a subsequent session is known as a reconvened meeting. The annual meeting held between March 7<sup>th</sup> and 28<sup>th</sup>, to fix the estimated tax levy rates and report the same to the State Tax Commissioner adjourns to the 3<sup>rd</sup> Tuesday in April. Members may not receive additional compensation of the adjourned meeting, but the President or any three members may call a special meeting.

Regular Meeting: The regular meeting of the Board shall generally be held on the 1<sup>st</sup> and 3<sup>rd</sup> Monday of each month at 5:00 p.m. in the offices of the Board, Moorefield, West Virginia, unless otherwise directed by the Board.

Special Meetings: Special meetings may be called by the President or any three members to transact only business designated in the call. A two business day notice shall be given each Board member for all special meetings, except when such meeting is called under emergency conditions.

### **LOCATION OF BOARD MEETINGS**

The statutory, regular, and special meetings of the Board shall be held at the Board Office at 510 Ashby Street, Moorefield, West Virginia, unless otherwise posted.

- 1) From time to time it is necessary for the Board to visit schools, view property for sale or purchase, or meet jointly with other public bodies. In these cases, the Board shall not take any formal action until the Board convenes an official meeting.
- 2) In order to better inform the public of the Board's operation and to promote public involvement in board meetings, the Board shall regularly hold one board meeting annually at each operating school located in the county. The location of the meeting shall be announced by appropriate releases to the news media and by posting at the Board Office and in the schools at least three days preceding the meeting.
- 3) The Board may also change the location of other Board meetings for any good and sufficient reason. The location of the meeting shall be announced by appropriate releases to the news media and by posting at the Board Office and in the schools at least three days preceding the meeting.

### **PUBLIC NOTICE OF BOARD MEETINGS**

The Superintendent, in consultation with the Board President, will establish all Board meeting agendas and make them public based upon requirements in state code.

# SCHOOL BOARD EXECUTIVE SESSIONS

All meetings of the Hardy County Board of Education (Board) are open to the public.

The Board may hold an executive session during regular, special or emergency meetings in accordance with the provisions of the West Virginia Code §6-9A-4. Open Governmental Proceedings, Exceptions. During the open portion of the meeting, prior to convening an executive session, the Board president, or presiding officer of the Board, shall identify the authorization under this section for holding the executive session (items A through L below) and present it to the Board and to the general public. No decision may be made in executive session.

The Superintendent shall attend all meetings of the County Board, or its committees, including executive sessions, except when the tenure, salary or administration of the County Superintendent is under consideration. The Board shall determine other individuals to be included in executive sessions.

The Board president, or presiding officer, shall inform all participants for the executive session that those items discussed in executive session are a matter of confidentiality. In keeping with the confidential nature of executive sessions, no member of the Board shall disclose the content of discussions that take place during such sessions.

Where executive sessions shall be called by a majority vote of the Board, the Board, by law, may hold an executive session for consideration of the matters listed below, but no decision may be made in executive session:

- 1) To consider acts of war, threatened attack from a foreign power, civil insurrection or riot:
- 2) To consider:
  - a. 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
  - b. 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 meeting. General personnel policy issues may not be discussed or consider in a closed meeting. Final action by the Board having authority to appointment, employment, 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 school unless the student requests an open meeting;
  - d. To consider the physical or mental health of any person, unless the person requests an open meeting;
  - e. To dismiss any material the disclosure of which would constitute an unwarranted 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;
  - f. To plan or consider an official investigation or matter relating to crime prevention or law enforcement;
  - g. To develop security personnel or devices;
  - h. To consider matters involving or affecting the purchase, sale or lease of property, advance 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: 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: 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;

- i. To avoid the premature disclosure of an honorary degree, scholarship, prize or similar award;
- j. Nothing in this article permits the Board to close a meeting that otherwise would be open, merely because the Board's attorney is a participant. If the Board 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 Board and entered into its minutes within a reasonable time after the settlement is concluded;
- k. 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 as set forth in article one, chapter twenty-nine b of this code.

The West Virginia Ethics Commission or its Committee on Open Governmental Meetings may take appropriate action to protect from disclosure information that is properly shielded by an exception provided for in West Virginia Code, §6-9A-4.

## **SCHOOL BOARD MEETING PROCEDURES**

The Superintendent of Schools is both Executive Officer and Secretary of the Board. As Executive Officer, he/she prepares, and gets into the hands of the Board Members a carefully organized Agenda and Minutes of the previous meeting in a timely manner. Copies of committee reports and reference items needed for clarification or examination shall be in readiness prior to the scheduled meeting. Items of business may be suggested by Board members, Superintendent, employees, or patrons of the school district. Additional agenda items shall include an item description and related information for documentation as may be necessary for the Board to give adequate consideration to the Agenda Item. Business items shall be submitted to the Superintendent of Schools at least by Wednesday of the week preceding the meeting in order to ensure inclusion on the written Agenda.

A majority of the members constitutes a quorum required for transaction of official business. Meetings of the board will be conducted according to the rules in the most current edition of Robert's Rules of Order Newly Revised in all cases where those rules are not inconsistent with the board's special rules of order or applicable law. All votes on motions and resolutions shall be by "yeas" and "nays", and the vote shall be recorded. The general order of business for a regular meeting of the Board shall be:

- 1) Call to Order
- 2) Prayer
- 3) Pledge of Allegiance
- 4) Introductions
- 5) Presentations
- 6) Public Comments
- 7) Consent Items
- 8) Unfinished Business
- 9) New Business
- 10) Board Member/Superintendent Discussion – No Action May Be Taken
- 11) Future Agenda Items
- 12) Announcements
- 13) Mission Statements/Accomplishments
- 14) Personnel
- 15) Adjournment

This order may be changed by the President or by the Superintendent with the consent of the Board in order to facilitate the work of the Board.

## **PUBLIC PARTICIPATION IN BOARD MEETINGS**

The public is invited to attend Board meetings and will be given time to voice opinions or concerns. Meetings of the Board of Education are for the purpose of conducting the County School System's business and are not to be considered a public community meeting.

Any citizen who desires to address the Board at a regular meeting shall give notice of his/her intention to the Superintendent by Tuesday of the week preceding a regular meeting. If a delegation is to appear, the notice should include the name of the spokesperson, the names of other members of the delegation who plan to address the Board, and the nature of the topic they wish to discuss. The Superintendent shall include on the Agenda for a regular meeting all individuals or delegations who give notice in advance of their intention of addressing the Board. The Superintendent shall place such groups on the Agenda so they will appear as early in the meeting as possible.

Individuals or delegations who notify the Superintendent after the Agenda for a regular meeting has been prepared or who come to a regular Board meeting without notice shall be heard at the time for "Public Comment" unless their appearance is moved in the meeting by the President with the consent of the Board. By law, the Board may not discuss matters at a meeting that have not been on the call for the meeting.

The time allotted to delegations or individual(s) appearing before the Board shall be limited to 5 minutes per speaker but not exceed 30 minutes for total delegations unless extended by the Board. No action may be taken on matters brought before the Board unless such matters are present on the Board's Agenda. In all cases, a record shall be made of the name and address of the petitioner.

Attendees must register their intention to address the Board in the Public Comment. Registration begins 15 minutes prior to the start of the Board meeting but no later than 5 minutes before the meeting is scheduled to begin. The Board shall provide a form for such registration, which shall be located in a convenient and accessible place for persons to register.

The Board meeting is conducted in an orderly and respectful manner. In order to maintain the order of the meeting the presiding officer may:

1. interrupt, warn or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene or irrelevant;
2. request any individual to leave the meeting when that person does not observe reasonable decorum;
3. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action; and
4. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting.

The Board meetings shall be audio recorded by the Board and shall be preserved as public documents. However, executive sessions shall not be audio recorded in any manner with the exception of student and personnel hearings. Taped or video recordings by the public are permitted providing the person operating the recorder has contacted the Superintendent prior to the Board meeting to review possible placement of the equipment and agrees to abide by the following conditions:

1. No obstructions are created between the Board and the audience.
2. No interviews are conducted in the meeting room while the Board is in session.
3. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.

SOURCE: Board of Education Minutes

DATE: August 20, 1979 – October 16, 2000 – May 3, 2010 – August 6, 2018 – August 7, 2023

LEGAL REFERENCE: West Virginia Code: §18-5-4 - §11-8-9 - §11-8-12a