

HANCOCK COUNTY BOARD OF EDUCATION

March 1, 2021

The Hancock County Board of Education met in Special Meeting on Monday, March 1, 2021 at the JDRIV Career Center, New Cumberland, commencing at 5:00 pm. Board Members present with Danny Kaser, President, Toni Hinerman, Vice President, Michelle Chappell, Chris Gillette and Larry Shaw.

The meeting was brought to order and those in attendance were asked to stand and recite the Pledge of Allegiance.

The purpose of the meeting: Discussion & legal opinion on board agenda items.

Danny Kaser, President stated we have three guest with us to discuss this situation with us, we have two attorneys' from Dinsmore & Shohl; Jacob Manning joining us tonight and we also have Jason Long participating by telephone. Also, Dr. Howard O'Cull who is Executive Director WVSBA participating by telephone.

Attorney, Jason Long began by stating Jacob Manning happened to be in your area in Hancock County today on a related issue and decided to stick around for assistance. Dr. O'Cull of course is remotely just as I am to give some presentations to some boards in light as he always does on roles and responsibilities. I think the nature and maybe the purpose of tonight's meetings is a goal to try to keep it within in a reasonable amount of time to answer some questions and issues about maybe the board quorum whether that's how we do good of the order, how we get things on a board agenda's and maybe even public delegation issues or things related to executive privilege. I am willing to address and talk about those items as well. With all five board members present, you are on the board for a reason to try to do what you can for the best public education in West Virginia.

Danny Kaser, President thinks the good of the order would be a place to start but I'd also like to discuss the Open Meeting Act in a whole and then clear responsibilities of the board.

Jason Long stated the terms of the Open Meetings Act of course is what governs you on your procedures, states required notice of regular meetings goes out three days, and special meeting goes out 2 days. I think probably the good of the order is found under Roberts Rule of Orders. You really have to be extremely careful on the nature of our discussion with what you have in good of the order. When I look at your policy on public delegation, when folks from the public come in to address the board in the comment section. The board is limited on the nature of the dialogue that you can have with those individuals. Individuals don't recognize and understand this, so often times it is good to educate the community as to what a board member can't dialogue back-and-forth. If I come before the board to present my idea and we start talking back-and-forth; we've gone too far. The nature of that discussion is to discuss something that may be on the agenda in the future for further action. When good of the order comes up, a board member shouldn't start talking about an issue and offering opinions and comments because what you've done is you're talking about an item that the public wasn't aware of that you were going to discuss that may come before the board in the future as it relates to board approval for the adoption. My personal belief of good of the order from an education standpoint in a public school system as a board member standpoint has always been to give an update of maybe what they've done, traveled to Charleston for SBA meeting versus bringing up and discussing things of significant substance that isn't on the agenda. The issue that school systems have with good of the order is that we have to comply with the Open Meetings Act.

Dr. O’Cull stated, I think one of the most important things to remember is if you have good of the order be careful that in doing so considering the items that may be brought up by members, so you don’t get any kind of cross discussion. Jason already mentioned this but board members get tempted to do this and results into having discussions. Jason also brought up another good point as well, you’re really not discussing an item that’s not on the agenda so the Ethics Commission says you’re straying into an area you were having business discussion with something not on the agenda. It takes a lot of discipline on behalf of board members sometimes to be sure that somethings brought up, is not discussed when it’s brought up. The school board meeting is a meeting in the public, it’s not a meeting of the public with the county board. The Ethics Commission even pointing this out in a ruling you don’t get into these discussions with delegations because they can lead into talking about something not on the agenda.

Jason Long asked Danny Kaser, President if any board members have any questions in terms of the issues or their thoughts? Danny Kaser, President mentioned when we have someone address the fill out a form and I tell them upfront this is an item not on our regular agenda, therefore we will not be able to answer only listen. Danny Kaser, President asked what do we need to go through to get the good of the order off our agenda and place something on there like the state board suggests for future meetings? Jason Long stated the board members as a group need to find a way to be able to work together and have a process of getting items on the agenda. Dr. O’Cull stated the first place to begin is for the board members and the superintendent to look at your own policy. The policy will guide in the direction and give guidance of how the minutes are taken. After you review the policy, next is to determine who helps put together the items that are on the agenda. Typically, the county board president and the superintendent completes this. If a board member wants an item on the agenda, they would approach them with their item for a future agenda. Once, you walk through the process then you can determine how to get an item on your agenda. One thing a county board member needs to understand why their item did not get placed on an agenda could be of good reason; the nature can’t be discussed in public and there has to be some determination as a whole to decide how items get on the agenda. Michelle Chappell questioned Jason Long on what policy he was referencing. Jason is referring to Policy BEDH paragraph 7 relates to public participation. Chris Gillette stated not seeing this in the policy. Danny Kaser, President stated this is in the Open Meetings Act. Gillette thought you could ask a question in the good of the order that’s not on the agenda but for the next agenda? Dr. O’Cull stated the good of the order is for board members to bring up future items for discussion, be careful that it doesn’t lead into discussion before it gets on an agenda. Jason Long noted any future items must be a basic request. Those items prior to your request are brought forward to the president and superintendent before you make your request during good of the order.

Danny Kaser, President said I will review our policies and have a future special meeting to discuss how to proceed how to get items on the agenda.

Larry Shaw stated in regards to the good of the order and Dr. O’Cull your comments about items that are praise worthy that a board member wants to bring forward, I think that’s an important part that we do and not put all the onus on the superintendent to cover everything that’s going on in the school system. The appropriateness of those praise worthy items to brought on the board floor? Dr. O’Cull noted it is important for the board members to be able to express comments regarding on various items. I think the structure of your agenda is important to have some kind of process that is understood by the board so that individual concerns of member can be brought to the board and to the public. However, I think it goes back to process, policy, understanding and agreeing among yourselves to agree to bring items of personal interest before the board. Jason Long mentioned reading from the Ethics Commission, from abstaining from any dialogue that will be issues that may be addressed by the board in the further. Types of things that are meant for good of the order are: congratulating or saying positive things about the school system and things that they’ve done as a board member.

Danny Kaser, President asked to discuss briefly what it means to be a public entity and our responsibility to the public? Jason Long discussed the terms of the Open Meetings Act governs a public governmental bodies, obviously the board of education is a public governmental board that the public has the ability and the right to come to your meetings to view those meetings with exception of a few rarity type things that happen in executive session. The public can do FOIA requests and are entitled to have information about public taxpayer dollars. The board should always be aware of the fact that it serves the public and although the meetings are meetings for the board to conduct their business, the public does have the ability and the right to know what will be discussed and what will be voted on. The board members serve as one, but when you leave that meeting you're individuals and you can't take any action on behalf of the board when you leave the meeting. The only action the board can take is the action on the items that are on the agenda. Dr. O'Cull noted on our website we have a model meeting policy, Ethics Act to operate in public; however, even if governments role is to operate in public there has to be understanding of the nature of government. So, that you have functional meeting and a meeting that has meaning and a purpose. The other rules that are in code more or less were put in there by the legislature. Jason Long encourage the board members in their free time going onto the WV Ethics Commission website, they have a great web page.

Danny Kaser, President asked if anyone in attendance has any further questions. I appreciate you joining us for the evening. You have done a tremendous job in helping us and hearing some of this will up. So, I guess down the road we are going to have to look at our policies and maybe amend some of those policies and possibly even develop new ones. Kaser, President asked if they have anything else to say in closing? Jason Long stated I appreciate the opportunity to have answered any and all questions.

ADJOURNMENT

With no further business before the board, Danny Kaser adjourned the meeting.

Danny Kaser, President board member adjourned the meeting at 6:00 pm.

Danny Kaser, President

Ms. Dawn Petrovich, Secretary