

PRESTON COUNTY BOARD OF EDUCATION**FILE: 1 – SCHOOL BOARD BYLAWS AND ORGANIZATION****File: 1-9 School Board Meetings****Last Reviewed: 8-9-10****Next Review: 7-1-12**

The Preston County Board of Education is composed of the duly elected representatives of the citizens of the county charged with the responsibility of fulfilling the citizens' education expectations. Consequently, official business of the Board shall be conducted only in legally called open sessions, and shall comply with the open meeting legislation which may be found in WVC §6-9A-1 thru §6-9A-12. The Board agrees with the Legislature that open government allows the public to educate itself about government decision-making through individuals' attendance and participation at government functions, distribution of government information by the press or interested citizens, and public debate on issues deliberated within the government. Every effort shall be made to keep the public informed about its schools.

R 1-9-1 Statutory Meeting

The Board shall hold its statutory meeting on the first Monday in July following each biennial primary election. The Board shall at this meeting do the following.

- ❖ Elect one of its members as president;
- ❖ Elect one of its members as vice-president;
- ❖ Fix the time and place for holding regular meetings for the ensuing year; and
- ❖ To transact other business that properly comes before the Board or that may be required by law.

(WVC §18-5-1c)

R 1-9-2 Annual Meetings

The Board shall meet on the first Monday in July and between March 7 and 28 to fix the estimated tax levy rates and report the same to the State Tax Commissioner. This meeting adjourns to the third Tuesday in April.

(WVC §18-5-1c and §18-5-4)

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R 1-9-3 Regular Meetings

Regular meetings of the Preston County Board of Education shall be held on the 2nd and 4th Monday of each month. Normally, all meetings will be held at the Preston County Board of Education Board Room unless the location is changed by vote of the Board.

From time to time it may be necessary for the Board to meet at other locations for such purposes as 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 it returns to its regular meeting place and it shall convene and/or adjourn any such meeting from the regular meeting place. A member of the Board's staff shall remain at the Board's regular meeting place during their absence to inform the public of the Board's whereabouts.

In its efforts to inform the public of the Board's operation, the Board may from time to time choose to hold a regular Board meeting at a location other than the Preston County Board Offices. Any such change in the location of a Board meeting shall be ordered by a resolution adopted by the Board in regular session at least thirty (30) days prior to the date of meeting. The location of the meeting shall be announced by appropriate releases to the news media, by notice carried in both county newspapers during the two weeks preceding the meeting and by posting on the door of the Board Offices at least three (3) days preceding the meeting.

All meetings shall begin at 7:00 p.m., unless otherwise announced by the Board of Education.
(WVC§6-9A-3 and §18-5-4)

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R 1-9-4 Special Meetings

The president or any three members of the Board may call a special meeting. The only business that can be transacted at the special meeting is that designated in the call. Each board member shall be given a 24 hour notice of all special meetings, and advance notice of the time, place, and purpose of the special meeting shall be made available to the public and news media. The only exception to advance notification to the public and media shall be in the event of an emergency meeting requiring immediate official action.

In the event of an emergency requiring immediate official action, the Board president may post an emergency meeting notice at any time prior to the meeting stating the date, time, place and purpose of the meeting and the circumstances of the emergency. The Superintendent shall immediately post a notice of this emergency meeting on-line to the office of the Secretary of State. Said notice shall also be posted to the Board's website.
(WVC §6-9A-3 and §18-5-4)

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R 1-9-5 Adjourned Meetings

Any meeting adjourned for the purpose of continuing that meeting in a subsequent session is known as an adjourned meeting. The annual meeting between March 7th and 28th to fix the estimated tax levy rates and report the same to the State Tax Commissioner adjourns until the third Tuesday in April. Following the laying of the levy and the adjournment of the budget meeting, the Board may then immediately convene a special meeting for which members may be paid. A subsequent session of an adjourned meeting is not a separate meeting. Therefore, a Board member may not receive compensation for both the original meeting and the adjourned session.
(WVC §6-9A-3; §11-8-9; §11-8-12a; §18-5-1c and §18-5-4)

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R 1-9-6 Meeting Procedures

Generally

Board meetings shall be conducted in an organized and efficient manner. Although the meeting may be held in an informal atmosphere, it is the responsibility of each board member to observe the procedures of the Board and to respect the rights and integrity of fellow board members and persons appearing before the Board. Items of discussion shall be limited to the question at hand.

Voting Procedures

All official actions of the Board shall be decided by vote of the membership present. A majority of the Board shall be in attendance to have a quorum.

Except where required by the Code of West Virginia or the Board's adopted bylaws, the majority of the members voting shall be sufficient to carry a motion. In votes not unanimous, individual votes shall be recorded.

Under voting procedures, Robert's Rule of Order shall be followed unless otherwise specified by the Code of West Virginia or Board policy.

Presiding Officer

The member presiding shall be responsible for enforcing the bylaws of the Board, controlling the flow of the Board's business, maintaining order and ensuring that each member has an opportunity to express his/her views.

The chair shall have the right to make and second motions, to vote on all questions before the Board, to speak on motions before the Board, and to rule on disputes concerning Board procedures.

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R 1-9-7 Agenda Preparation

As secretary of the Board, the Superintendent shall prepare and deliver a proposed agenda for the forthcoming meeting together with the available minutes of previous meetings to members of the board no later than three (3) working days preceding the time of the meeting except in case of emergency or special meeting(s) which must be a minimum of twenty-four (24) hours in advance.

Accompanying those agendas will be well organized memorandums, correspondence and other documents as may be necessary for the Board to give adequate consideration of the agenda items. The Superintendent shall distribute agendas and such supporting documents as s/he deems appropriate to members of the school system staff, news media, service personnel and teacher organization representatives, candidates for the Board of Education, and board members-elect; and s/he shall place in an appropriate location a copy of said agenda for the public to review prior to each meeting.

In addition to the above, the agenda will be available on the Preston County Schools' website at <http://www.prestonboe.com>

In extenuating circumstances, the Superintendent will make reasonable effort to provide an agenda by mail when other means of dissemination are unavailable to the interested party.

The Board, in keeping with advances in technology, shall be trained in the use of computers as a means of receiving agendas of board meetings and supporting documents. Until such time that the training is completed, the agendas may be mailed to board members or hand-delivered.

Unless by law or suspension as previously stated, only items on the agenda shall be discussed. In order to allow the Superintendent time to prepare necessary background materials, a board member who wishes to have an item placed on the agenda for discussion shall discuss the request with the Superintendent at least five (5) working days before said meeting.

Citizens of the county who wish to suggest items to be included in writing on the regular board meeting agenda or who wish to appear before the Board of Education shall submit a written request, along with the nature of the topic, to the Superintendent of Schools at least five (5) working days prior to the day of the meeting. When feasible, an exception to this would be matters dealing with the suspension or expulsion of student(s) from school.

Citizens of the county who wish to suggest items to the Board and do not wish to be listed on the printed board agenda of a regular board meeting may do so by registering on the sign-in sheet at the location of the Board meeting fifteen (15) minutes prior to the starting time of the board meeting. Neither board members nor staff is expected to necessarily respond in cases when no prior notice is given.

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R 1-9-8 Public Notification of Board Meetings

To assure the opportunity for public participation, the date, time, location, and agenda of all regularly scheduled meetings shall be submitted to the local news media for announcement and publication five days prior to the meeting. Special meetings, including time, place, and purpose, shall also be announced in the news media, except in the cases of emergency meetings, in which case media notification may be waived. In addition, the agenda of all regular and special meetings stating the time, date and location of the meeting, shall be posted on the school system's web site and at appropriate locations at the Board of Education offices and the Annex.

(WVC §6-9A-3)

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R 1-9-9 Board Minutes and Recording Votes

The secretary of the Board shall see that accurate minutes of the deliberations and actions of the Board are true and accurate. These minutes shall be a permanent record of the official actions of the Board of Education. The minutes shall become official upon approval of the Board and shall be maintained in the safe keeping of the secretary, who shall see that they are available for general public examination during the hours that the office is open.

Content and Style

In content and style, the official minutes shall be as brief and simple as possible and still retain the essential facts of each meeting. A record of all motions and amendments thereto that are offered, the disposition thereof and the vote thereon shall be recorded. All matters required by law, including accounts and bills acted upon and approved by the board shall be properly recorded.

Persons making a presentation before the board and the subject of their presentation shall be noted in the minutes.

Procedure for Approval

At each regularly scheduled meeting, the Board shall approve, after correction if any, minutes of previous meeting(s). Since minutes are official records, board members shall thoroughly review before voting minutes which are to be acted on and approved.

Signature by Presiding Officer and Secretary

After approval by the Board, the minutes shall be signed by the presiding officer of the meeting and the secretary of the board.

Recording Votes

The minutes will state how board members voted. Board members shall vote according to one of three (3) ways following motions presented before the board: (1) Yes, (2) No, or (3) Abstain.

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R 1-9-10 Executive Sessions

Upon a majority vote of the members present at any meeting the Board may adjourn to executive session. The motion to adjourn to executive session shall include the purpose or purposes for this meeting as permitted by state law. The Board may consider in executive session only the general areas stated in the motion to adjourn. The minutes of the Board shall reflect the general subject area of discussion held in executive session.

Reasons for which an executive session may be called include but are not limited to the following:

- ❖ The appointment, employment, retirement, promotion, demotion, disciplining, resignation, discharge, dismissal or compensation of any public officer or employee, or other personnel matters, or for the purpose of conducting a hearing on a complaint against a public officer or employee, unless such public officer or employee requests an open meeting;
- ❖ The disciplining, suspension or expulsion of any student in any public school, unless such student requests an open meeting;
- ❖ The physical or mental health of any person, unless such person requests an open meeting;
- ❖ Matters which if discussed in public would be likely to affect adversely the reputation of any person;
- ❖ Any official investigation on matters relating to crime prevention or law enforcement;
- ❖ Matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving competition which, if made public, might adversely affect the financial or other interest of the State or School District; or
- ❖ Conducting a hearing on a complaint, charge or grievance against a public officer or employee, unless that person requests an open hearing.

At the conclusion of the executive session, the Board shall reconvene in regular session. At this time, the president will state generally the matter of discussion in executive session.

Except when his tenure, salary or administration is under consideration, the Superintendent shall be present in executive sessions, as specified by law.

The board shall take official action upon a resolution, rule or formal action of any kind only in an open meeting.
(WVC §6-9A-4)

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R 1-9-11 Citizen Participation

Employees and citizens may address the Board at any of its meetings during the portion set aside for “DELEGATIONS” or “COMMENTS FROM THE PUBLIC.” Speakers may sign up no earlier than 15 minutes prior to the meeting.

A person or group or representative thereof who wishes to address the Board and also have their names appear on the agenda shall make his/her request, in writing, at least 10 working days, prior to the date of the scheduled board meeting. The request shall be made to the Superintendent and shall specify the subject of the presentation.

Individuals or groups wishing to appear before the Board shall discuss items with the Superintendent or his designee before said meeting in an attempt to answer questions and/or resolve issues and/or problems.

The Board cannot take action on any item of discussion presented if it does not appear on the agenda.

Addressing the Board

Each speaker who has signed up prior to the meeting shall be allotted five (5) minutes of time. A speaker may elect to “pass” his/her time to another speaker.

A total of 45 minutes shall be allowed for all speakers at each meeting. Those persons who are not heard in the allotted time will be placed on the next board agenda.

The Board may agree to waive or revise the speaking time at the beginning of the meeting to better accommodate the agenda.

Upon recognition by the president, a speaker making a presentation should clearly state his/her name and the subject of his/her remarks and shall address himself to the president. If at the conclusion of the speaker's remarks, any Board member desires further information, the member may address the speaker. The courtesy of the Board shall be extended to the speaker, and the speaker shall respect the privileges extended by the Board or shall be ruled out of order by the president.

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R 1-9-12 Request for Advisory Opinions from the West Virginia Ethics Commission Concerning Open Governmental Meetings

The Preston County Board of Education or any member of the Board subject to the provisions of open governmental meeting statutes may seek advice and information from the executive director of the West Virginia ethics commission or request in writing an advisory opinion from the West Virginia ethics commission committee on open governmental meetings as to whether an action or proposed action violates the provisions of the open government statutes. The executive director may render oral advice and information upon request. The ethics commission committee shall respond in writing and in an expeditious manner to a request for an advisory opinion. The opinion shall be binding on the parties requesting the opinion.

The Board or any member that seeks an advisory opinion and acts in good faith reliance on the opinion has an absolute defense to any civil suit or criminal prosecution for any action taken in good faith reliance on the opinion unless the committee was willfully and intentionally misinformed as to the facts by the Board or its representative.

The Board or any member that acts in good faith reliance on a written advisory opinion sought by another person or governing body has an absolute defense to any civil suit or criminal prosecution for any

action taken based upon a written opinion of the West Virginia ethics commission committee, as long as underlying facts and circumstances surrounding the action were the same or substantially the same as those being addressed by the written opinion.

(WVC §6-9A-11)

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R 1-9-13 Meeting by Telephone Conference or Other Electronic Means

West Virginia Code §6-9A-2 of the Open Governmental Proceedings Act grants governing bodies such as a county board of education the authority to conduct meetings via telephone conference and other suitable electronic means. The Preston County Board of Education's main interest in availing itself of this option for conducting business meetings is to provide a means for individual Board Members or the Superintendent to participate in regular or special meetings of the Board when unusual circumstances prevent their presence at said meetings. Special circumstances may include, but are not limited to, unexpected personal or family illness, acts of God that prevent attendance at a meeting, delays in transportation plans and other personal and professional obligations deemed acceptable by the majority of board members.

Meetings of the Board which include participation by one or more members via telephone conferencing or other electronic means shall be conducted in accordance with all aspects of the Open Governmental Proceedings Act. The meeting room shall be equipped in a manner that permits the public in attendance to hear and/or see the absent member's interaction with the Board Members present.

While it is unlikely that the Preston County Board will find it necessary to hold a meeting with all five members participating by electronic means, nothing in these procedures precludes such an occurrence. In the event of such a meeting, all provisions of the Open Governmental Proceedings Act shall be followed.

Such meeting shall not be utilized when the Board is dealing with disciplinary matters involving an employee or student.

(WVC §6-9A-2; West Virginia Ethics Commission Advisory Opinion #99-08)

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R 1-9-14 Cancellation of Board Meetings

In cases where inclement weather or other calamitous causes may prevent Board of Education members and the public from attending a regular or special meeting of the Board, the President or any three members may cancel the meeting and call a special meeting to consider the items that appear on the agenda for the meeting canceled.

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Adopted: January 24, 1983
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