

SCHOOL BOARD MEETINGS

1.0 Purpose

Recognizing the need to have open meetings and provide for notices, public input, proceedings, minutes, media coverage, and for exceptions regarding those meetings, the Mercer County Board of Education hereby institutes this policy in an effort to establish a structure for meetings.

The Mercer 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. Every effort shall be made to keep the public informed about its schools.

2.0 Definitions

- 2.1 **Day/Business Day** – When calculating the days, the day of the meeting is not to be counted. If a meeting notice is filed anytime other than during regular business hours, the date of filing will be considered the next business day.
- 2.2 **Decision** shall mean any determination, action, vote or final disposition of a motion, proposal, resolution, order, ordinance or measure on which a vote of the governing body is required at any meeting at which a quorum is present.
- 2.3 **Executive Session** shall mean any meeting or part of a meeting of the Board of Education which is closed to the public.
- 2.4 **Meeting** shall mean the convening of the Board of Education for which a quorum is required in order to make a decision or to deliberate towards a decision on any matter which results in an official action. The term does not include:
 - 2.4.A Any meeting for the purpose of making an adjudicatory decision in any quasi-judicial, administrative or court of claims proceeding;
 - 2.4.B Any on-site inspection of any project or program;
 - 2.4.C Any event sponsored by a political party;
 - 2.4.D General discussions among members of the Board of Education on issues of interest to the public when held in a planned or unplanned social, educational, training, informal, ceremonial or similar setting, without intent to conduct public

SCHOOL BOARD MEETINGS

business even if a quorum is present and public business is discussed but there is no intention for the discussion to lead to an official action; or

- 2.4.E. Discussions by members of the Board of Education on logistical and procedural methods to schedule and regulate a meeting.
- 2.5 **Official Action** shall mean an action which is taken by virtue of power granted by law, ordinance, policy, rule, or by virtue of the office held.
- 2.6 **Quorum** shall mean the gathering of a simple majority of the constituent membership of the board of education, unless applicable law provides for varying the required ratio.

3.0 Procedures

- 3.1 **Meetings** - A majority of the members constitutes a quorum required for transaction of official business. In conducting its business, the Board shall observe Robert's Rules of Order, Revised, noting that the President may discuss and have a vote on all matters before the Board, or except as otherwise agreed upon by the members. All votes on motions and resolutions shall be indicated by a show of hands and the vote shall be recorded if not unanimous.

Except as expressly and specifically provided by law, all meetings of the Board of Education shall be open to the public. The following are the meetings of the Board of Education:

3.1.A Annual Meetings

- 3.1.A.1 The Board shall meet the first Monday in July (or on the first Tuesday when the first Monday falls on July 4 or the celebrate holiday thereof) following each biennial general election. The purpose of the meeting is to organize and elect a president and vice-president for a two-year term. The Board may, at this meeting, also set the time for the regular monthly meeting.
- 3.1.A.2 The Board shall meet between March 7th and 28th to fix the estimated tax levy rates and report the same to the State Tax Commissioner. This meeting adjourns to the 3rd Tuesday in April.
- 3.1.A.3 The Board shall meet on or before the first Monday in May, at which time the Superintendent shall furnish in writing to the Board

SCHOOL BOARD MEETINGS

a list of those employees to be considered for transfer and subsequent assignment for the following year.

- 3.1.B **Regular Meetings** - Unless otherwise determined, the regular meeting of the Mercer County Board of Education shall be scheduled on the second and fourth Tuesday of each month at 7:00 p.m. in the Seminar Center, Mercer County Technical Education Center, Princeton, West Virginia, or such other places within the County as may accommodate the public when necessary. If the meeting is moved, the notice of meeting shall designate the place.
- 3.1.C **Special Meetings** - Special meetings may be called by the President or any three members of the Board. The only business which can be transacted at the special meeting is that designated in the call. A two-day notice shall be given each Board member and the public of all special meetings. Special meetings will be announced through posting a notice at the Central Office, the Mercer County Courthouse, and a notice to the media.
- 3.1.D **Emergency Meetings** - Emergency meetings may be called by the President or any three members of the Board to consider any subject which requires immediate official action by the Board. Notice may be given at any time prior to the meeting. The notice shall state the date, time, place and purpose of the meeting and the facts and circumstances of the emergency meeting.
- 3.1.E **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 held between March 7th and 28th to fix the estimated tax levy rates and report the same to the State Tax Commissioner adjourns to the third Tuesday in April. 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.
- 3.1.F **Executive Session** - The Board may conduct an executive session during a regular, special, emergency or adjourned meeting after the presiding officer has identified the legal authorization for the holding of such an executive session. In order to identify the legal authorization for the executive session, the presiding officer shall read the applicable subsection or subsections of the WV Code which authorizes an executive session (currently 6-9A-4).
- 3.1.F.1 No decision may be made in an executive session.

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(Formerly: BD, BDD, BDDA, BDDK)
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SCHOOL BOARD MEETINGS

- 3.1.F.2 General personnel issues may not be discussed or voted on in an executive session.
- 3.1.F.3 Executive sessions may be held to consider matters arising from the appointment, employment, retirement, promotion, transfer, demotion, discipline, resignation, discharge or compensation of a Board of Education employee or prospective employee, unless the employee or prospective employee requests an open meeting.
- 3.1.F.4 Executive sessions may be conducted when considering settlements and approval of settlements as long as the terms of such settlements are reported and entered into the minutes after the settlement is concluded.
- 3.1.F.5 Executive sessions may be held to conduct a hearing on a complaint, charge or grievance against a Board employee, unless the employee requests an open meeting.
- 3.1.F.6 Executive sessions may be held to decide upon disciplining, suspension or expulsion of any student unless the student requests an open meeting.
- 3.1.F.7 Executive sessions may be conducted to plan or consider an official investigation or matter relating to crime prevention or law enforcement.
- 3.1.F.8 Executive sessions may be conducted to develop security plans or devices.
- 3.1.F.9 Executive sessions may be conducted 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 is made public, might adversely affect the financial or other interest of the state or any political subdivision: *Provided*, That information relied on during course of deliberations on matters involving commercial competition are exempt from disclosure under the open meetings 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

SCHOOL BOARD MEETINGS

freedom of information act does not become subject to disclosure as a result of executive session.

- 3.1.F.10 Executive sessions may be conducted to avoid the premature disclosure of an honorary degree, scholarship, prize or similar award.
- 3.1.F.11 Executive sessions may be conducted to consider the physical or mental health of any person, unless the person requests an open meeting.
- 3.1.F.12 Executive sessions may be conducted to discuss 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 education, 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.
- 3.1.F.13 Executive sessions may not be conducted merely because an attorney is a participant.

3.1.G In an effort to keep the public informed, the Board of Education shall allow radio and television stations to broadcast all or any part of any open meeting, subject to reasonable regulations about placement and use. All other news media shall be welcome to attend any open meeting of the Board.

- 3.2 **Notifications and Agendas** - 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(s) at least three business days prior to the regular meeting. 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, the President, Superintendent, staff members or citizens of the school system. Business items should be submitted in writing to the Superintendent of Schools at least ten days before the meeting in order to insure inclusion on the written agenda.

SCHOOL BOARD MEETINGS

- 3.2.A Items of business may be suggested from the floor for discussion at a future meeting or at that meeting by unanimous vote of the Board members present.
- 3.2.B At each meeting, the Superintendent of Schools of Mercer County shall make available to the public a copy of the agenda for said meeting and the content of said agenda shall not be changed or shall additional matters be taken up and acted upon. The order of the agenda may be changed with the unanimous vote of the members of the Board.
- 3.2.C On any Board of Education Policy Changes or Additions, the Board will consider the change or addition at a first reading at a regular or special meeting without taking formal action. After sufficient time for public comment, the Board will take such policy and consider it for adoption after a second reading. The purpose of this rule is to allow constructive input from interested citizens or employees before final adoption.
- 3.2.D The Board may, by unanimous vote of the Board, suspend this rule, and adopt a policy change or addition at the time of initial submission.
- 3.2.E Citizens desiring to address the Board of Education must register with the Superintendent or designee at least five (5) minutes prior to the scheduled meeting time. Each speaker will be allowed no more than three (3) minutes to address the Board, unless additional time is allowed by the chair.
- 3.2.F The Superintendent of Schools of Mercer County shall, at least three business days prior to any regularly scheduled meeting or annual meeting, and two business days prior to a special meeting, notify the general public of the time and place of said scheduled meeting by sending a copy of the notice to the newspapers of general circulation in the county and to the radio and television stations located within Mercer County for the purposes of notice to the public of the meeting and shall post the notice on the entrance door of the Administrative Offices.

In the event of an emergency arising with respect to the operation of the education system by the Mercer County Board of Education which requires immediate official action or decision, notice to the public will be given as soon as possible or any time prior to the meeting.

- 3.2.G The notice of the regular, annual, or special meetings shall be in the following format:

SCHOOL BOARD MEETINGS

NOTICE OF MERCER COUNTY BOARD OF EDUCATION MEETING

The public is hereby notified that the Mercer County Board of Education will convene and meet in (special, regular, annual) session on _____, 19____, at (time and place), at which time the following topics or propositions will be brought on for discussion and action:

Agenda items:

- 1.
- 2.

3.2.H Emergency meeting notice shall state the date, time, place and purpose of the meeting and the facts and circumstances of the emergency.

3.2.I All agenda items will be referred to by title in discussions and votes. Agenda items shall not be referred to by letters or numbers, except that action by reference to an agenda is permitted if the agenda is clearly worded and made available to the public before the meeting.

4.0 Severability

If any portion of this policy or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this policy.

Authority: W.Va. Constitution, Article XII, §2, and W.Va. Code §§ 18-2-5, 18-2-5a, 18-5-1, 18-5-4, 18-5-13, 18A-1-1, 18A-5-1, 18A-5-1a, and 60A-7-11a.

Source: Board of Education Minutes

Date(s): 7/27/78, 9/14/78, 7/26/79, 11/13/80, 2/25/82, 12/8/83, 2/25/85, 2/27/86, 12/86, 8/87, 2/94, 8/24/99; 9/23/08, 7/11/17