

PUBLIC HEARINGS

The Mercer County Board of Education in accordance with its belief that the general public has a right to be heard and to be involved in decisions that affect them, adopts guidelines for use when it holds public hearings on issues, controversies or disputes relating to school matters.

1. Notice to Public. Except in cases of emergency, reasonable advance notice prior to the hearing, usually a minimum of 10 days, shall be given to the public. Notice should be given by broad advertisement through publication in both county newspapers, TV channels, and radio. Such notices should also be posted at the County Board of Education Office and at appropriate public elementary and secondary schools in places readily seen by the public. These notices should include statements on the purpose, date, time and location of the hearing.
2. Selection of Site and Scheduling. Facilities used for the hearing should be in central and convenient locations accessible to large segments of the appropriate general public. The public hearing should be held in a specific attendance area when such area is singularly affected by the particular issue. When the issue affects several attendance areas or the general public of the county, administrative officials may schedule one or more hearings to insure significant public involvement throughout the county.

Facilities should be of sufficient size with adequate seating capacity and other arrangements essential to accommodate public attendance. Microphones and any other equipment necessary to expedite public assembly should be provided during the hearing. Appropriate security measures should be taken when such arrangements are deemed necessary for orderly conduct of the hearing.

The date, time and location established for the hearing should provide reasonable opportunity for various segments of the general public to attend and participate.

3. Conduct of Hearing. The County Superintendent should provide an agenda to the participants in the hearing.

Reasonable rules and regulations shall be set by the County Board of Education for orderly and fair conduct of the hearings. These rules should be stated and explained to the assembly at the beginning of the hearing to insure that all parties present are informed and understand such rules.

PUBLIC HEARINGS (Continued)

It is recommended that a hearing officer be designated to preside at the hearing. This person may be the President of the Board of Education, the County Superintendent or other designated person. The hearing officer should state the purpose of the hearing, provide relevant background information on the issue and should clearly explain the hearing. The hearing officer should execute these rules and regulations with fairness throughout the hearing to give all persons an opportunity to present oral testimony and to submit for the record any written materials relevant to the issue under consideration.

4. **Written Record of Hearing.** The Board of Education may provide a written, accurate record of the hearing. In some cases, a complete transcript may be necessary when the purpose or nature of the hearing warrants it or when matters under consideration may be subject to appeal. Such record or transcript, which may require the use of an electronic recording device, should include names of Board members, school officials and community representatives present, number of people present, starting and closing times, oral testimony, actions taken and other relevant information. Any material evidence of fact such as reports, copies of public notice and other documents offered as part of the record should be attached.

5. **Filing and Availability of Record.** If a record is kept, the County Superintendent should be responsible for filing an accurate record or transcript of the hearing and attached documentary evidence which should be available to the public and the press upon request in accordance with the Freedom of Information Act. Copies of this record or transcript and any additional documentation necessary for a full understanding of the issue should be submitted by the County Superintendent to the State Board of Education and the State Superintendent upon request.

Source: Board of Education Minutes

Date: 2/25/82

Legal Reference: State Board of Education 2/8/80 and
School Laws of West Virginia: 18-5-4