

CHAPTER 1

1.5 Operation and Procedures (Adopted 08/22/89)

(Amended 09/28/94, 02/24/98, 01/22/07, 05/27/08, 02/28/12, 07/25/12)

1.5.1 Regular Meetings (Adopted 1/30/79 - Amended 1984 - Revised 1/13/98)

Regular meetings are scheduled for the second and fourth Tuesday of each month to be held at the Administrative Offices of Marshall County Schools, 214 Middle Grave Creek, Moundsville, West Virginia, unless otherwise directed by the board of education or when necessary at some other place convenient to the needs of the people. The regular meeting of the fourth Tuesday of each month is contingent upon need and will be held only if sufficient items are available for the board to meet. All board meetings will be announced through the local newspaper. If it becomes apparent that a quorum cannot be in attendance on the second or fourth Tuesday of the month, an alternate meeting date will be determined by the Board and announced through the local newspaper.

1.5.2 Special Meetings

Special meetings may be called by the president or any three members, but no business shall be transacted other than that designated in the call.
(Board Minutes July 3, 1933.)

1.5.3 Statutory Meetings

Meeting dates mandatory by West Virginia law include the first Monday of July (W.Va. Code 18-5-4), a date between the seventh and twenty-eighth days of March (W.Va. Code, Chapter 11, Article 8, Section 9), and a reconvened session on the third Tuesday in April (W.Va. Code 11-8-12a)

1.5.4 Adjourned Meetings

Any meetings adjourned for the purpose of continuing that meeting in a subsequent session is known as an adjourned meeting.

1.5.5 Executive Session (Adopted 1/30/79)

The executive session is a meeting which is attended by a part, or all of the members of the board of education.....from which the public is excluded. The board recognizes that inquiry, consultation and discussion may be held in executive session but that no decisions (as defined in Section 2, Article 9A, Chapter 6 of the West Virginia Code) may be made in an executive session.

Before going into executive session, the presiding officer will identify the authorization under Article 9A of Chapter 6 for holding of such executive session and will present it to the governing body and to the general public.

1.5.6 Notice of Meetings

Regular Meetings. Notice of regular meetings shall be furnished by the Friday

preceding the regular Tuesday meeting.

Special Meetings. A three days notice shall be given each board member of any or all special meetings, (Board Minutes July 3, 1933) except when such meeting is called under emergency conditions, at which time this provision may be waived.

1.5.7 Time of Meetings

Regular Meetings. Unless otherwise directed by the Board of Education, all regular meetings will convene at 7:00 P.M., E.S.T. or E.D.S.T., whichever is prevailing the date of the meeting.

Special Meetings. Both the time and the date of special meetings shall be clearly stated in the call.

1.5.8 Rules of Order

In conducting its business, the Board shall observe **Robert's Rules of Order**, revised, except as otherwise agreed upon by the members.

1.5.9 Public Participation

All residents of Marshall County and interested parties shall be welcomed at any or all regular (Section 1.4.1), special (Section 1.4.2), or statutory (Section 1.4.3) meetings of the Board of Education at the time and place described in Sections 1.4.1 and 1.4.7

Members of the public or delegations wishing to speak will only be permitted to do so at the regular meetings of the Board of Education. The following guidelines should be followed for those wishing to address the Board:

1.5.9.1 The Board requests that problems or concerns being presented shall be those for which an administrative remedy, if applicable, has been exhausted.

1.5.9.1.1 Administrative remedy should first be sought at the school/department level, as applicable, and if unsuccessful then at the central office level.

1.5.9.1.2 The Board will not respond to problems or concerns presented to them until Section 1.5.9.1.1 above has been fulfilled.

1.5.9.1.3 It shall be the responsibility of the Superintendent to:

- Require of persons or delegations desiring to make presentations to the Board to register at least fifteen (15) minutes prior to the commencement of the meeting in which he/she/they desire to speak.

- Require the submission of the name(s) of the spokesperson(s).
- Allot a specific period of time for the presentation.
- Explain to the person(s) submitting the request the procedures that will be followed at the Board meeting.

1.5.9.1.4 It shall be the responsibility of the Board President to explain to the group the procedures that will be followed:

- The time period for the presentation.
- The spokesperson for the group will make the initial presentation.
- The spokesperson will make his/her presentation at the presenter's chair.
- The Board may ask questions of the presenter after his/her presentation and while he/she is still in the presenter's chair.
- All others who want to speak on the matter must receive approval from the president to speak, and they must make their statement at the presenter's chair. Individuals speaking on the same subject will be permitted to continue only as long as new information is being delivered.
- There will be no interruptions of the person who is making his/her presentation or those who have the floor to speak. These guidelines are not intended to limit input to the Board in any manner, but only to improve communications and facilitate the handling of problems and concerns.

1.5.10 Order of Business (Revised 09/28/94)

The order of business for a regular meeting of the Board of Education shall be:

1. Call to order/Roll call/Pledge to Flag
2. Delegations
3. Approval of minutes
4. Personnel
5. Approval of current bills
6. Consent Agenda
7. Communications
8. Unfinished business

9. New business
10. Superintendent's reports
11. Adjournment

1.5.11 Quorum

A majority of the members shall constitute the quorum necessary for the transaction of official business.

1.5.12 Voting

All votes on motions and all resolutions shall be by "ayes" and "nays" and the vote shall be recorded if not unanimous.

1.5.13 Pecuniary Interest

All members of the Board of Education, along with employees of the Board, should familiarize themselves with the provisions and content of West Virginia Code, Chapter 61 (Crimes and their Punishments), Article 10 (Crimes Against Public Policy), Section 15 (Dealing with School Officials).

This statute fully defines pecuniary interest while explaining its ramifications.

1.5.14 Handling of Complaints

1.5.14.1 From employees. Grievances, complaints, and communications shall not be brought before the Board until they have been taken up with the Superintendent of Schools. Any employee may at any time appeal to the Board from a decision by the Superintendent. (Refer to Procedure for Adjustment of a Grievance 3.1.13 and 4.1.14.)

Employees desiring to address the Board on any matter shall direct their communication to the Secretary of the Board and not to individual board members according to the provisions outlined in Section 1.5.9 (Public Participation).

1.5.14.2 Against Employees. Complaints against any employee from within the membership of the Board, or which has come to the attention of the Board, except through the Superintendent, shall be referred to the Superintendent.

In such case as the employee or the complainant is not satisfied with the Superintendent's decision, appeal may be taken by either party to the Board of Education. The decision of the Board shall be considered final except where there is statute to the contrary.

1.5.14.3 From the Public. The Board shall follow the procedure described above, and if an appeal is desired, it may be presented to the Board in the manner described in Section 1.5.9 (Public Participation). (Refer to West Virginia State Policy 7211, Appeals Procedure For Citizens)

1.5.14.4 General Policy. All complaints should be written and signed by the complainant, or made by personal appearance before the Superintendent to be considered by the Board.

Complaints from employees should travel their proper channels through their immediate superior.

1.5.15 Marshall County School Board Policy Process (Adopted 02/24/98 - Revised 2/24/98)

1.5.15.1 Development and Enactment of Policy

The Board of Education develops and enacts written policies to:

- Comply with laws which require county boards of education to adopt regulations;
- regulate its own affairs;
- guide the action of those to whom it delegates authority; and
- establish its expectations of those who are involved in the operation of the county's schools.

1.5.15.2 Policy Dissemination, Review, and Revision

The Board disseminates, reviews, and, as necessary, revises its policies in order to:

- Make them available to the school community, the community at large, and all interested parties;
- evaluate how they have been executed and weigh the results;
- keep abreast of changing conditions, laws, and needs.

1.5.15.3 Framework

The purpose of this policy is to establish the framework for those actions.

1.5.15.4 The Development of Board Policies

1.5.15.4.1 Origination of Policy Proposals

Proposals regarding policies may originate with:

1. Any Board member;
2. the Board's Superintendent
3. any Board employee;
4. any student of the county's public schools, or any such student's parent, guardian, or custodian;
5. any resident of the county;
6. any organization to which the Board or any such member, Superintendent, employee, student, parent, guardian, custodian, or resident belongs;
7. any of the county's faculty senates;

8. any of the county's local school improvement councils;
9. a consultant hired by the Board;
10. a committee appointed by the Board;
11. the West Virginia Department of Education;
12. the West Virginia Board of Education;
13. the State Superintendent of Schools; or
14. any government official or agency which monitors the county's public schools.

1.5.15.4.2 Form and Submission of Policy Proposals

All initial proposals regarding new or reviewed policy shall be made, in writing, to the Superintendent as secretary of the board. Within 45 days, the Superintendent shall forward each proposal to the Board's members along with the agenda for an upcoming Board meeting. The agenda shall list the proposals so forwarded. The Superintendent may require the party making a proposal to supply enough copies to serve the purposes of this paragraph.

1.5.15.4.3 Initial Motions Regarding Proposals

Once a proposal regarding new or reviewed policy has been forwarded to the Board's members and listed on a meeting agenda, any Board member may make a motion in open session at a subsequent Board meeting to:

1. Gather information about the proposal; and/or
2. invite comments about the proposal; and/or
3. seek advice about the proposal; and/or
4. draft or redraft a policy reflecting the proposal; and/or
5. draft or redraft a policy inspired by, but different from, the proposal; or
6. if the proposal is already in a form suitable for enactment, consider the policy on first reading at an upcoming board meeting.

1.5.15.4.4 Permitted Contents of Motion

Any such motion shall contain a time frame for the proposed course of action and may include other details for implementing the motion, such as the delegation of duties to the Superintendent or other Board employees; the kinds of information, comments, or advice to be sought, and how it shall be conveyed; the concepts to be addressed in the draft or redraft of a policy; and any items which are to appear on the agenda of a future board meeting.

1.5.15.4.5 Other Motions and Action

The fact that one motion under 1.5.15.4.3, above, has been

made or approved concerning a proposal shall not preclude subsequent motions or actions concerning the same proposal.

Once a proposal regarding policy has been forwarded to the Board's members, there is no requirement that any member make a motion concerning the proposal or that the Board take action on the proposal.

1.5.15.5 The Enactment of Board Policies

1.5.15.5.1 First Reading Required

Before a new or revised policy is enacted, and before an existing policy is repealed, the proposed action shall be given a first reading in open session at a Board meeting. The agenda for the meeting must reflect that the proposed action will be given a first reading, and the agenda must state where a copy of the proposed action may be reviewed by interested parties.

1.5.15.5.2 Form of Proposal on First Reading

Before a new or revised policy will be placed on an agenda for first reading, the Superintendent, as Secretary of the Board, must be satisfied that the new or revised policy is written in language which is grammatical and consistent in style with related policies, and that it is properly titled and coded in accordance with the Board's policy classification system.

1.5.15.5.3 Board Action Following First Reading

Following the first reading, the Board, in open session, shall:

1. Direct that the proposed action, without modification, be returned to the Board for second reading; or
2. Direct that the proposed action be modified in specified respects, or modified by the Superintendent or a committee to meet certain standards, and returned to the Board for second reading; or
3. Direct that any of the actions described in 1.5.7.2.3 (1,2,3, and 4), above, be taken, in which case the proposed action, with or without modification, may be enacted only following another first reading and after the other requirements of this part 1.5.7.3 are met; or
4. Fail to advance, or decide not to advance, the proposed action to second reading, in which case the proposed action shall die.

1.5.15.5.4 Second Reading Required

Following first reading, and before final action is taken to enact a new or revised policy or to repeal an existing policy, the proposed action shall be given a second reading in open session at a Board meeting. The agenda for the meeting must reflect that the proposed action will be given a second reading, and the agenda must state where a copy of the proposed action may be reviewed by interested parties.

1.5.15.5.5 Timing of Second Reading

The second reading shall not occur sooner than the first regular Board meeting following the meeting at which the first reading occurred.

1.5.15.5.6 Board Action Following Second Reading

Following the second reading, the Board, in open session, shall:

1. Adopt the proposed action, without modification, in which case no further action shall be required of the Board to enact the proposal; or
2. adopt the proposed action, with modification, in which case no further action shall be required of the Board to enact the proposal unless the Board so directs; or
3. defeat, or fail to adopt, the proposed action, in which case the proposal shall die.

1.5.15.6 The Dissemination and Effect of Board Policies

1.5.15.6.1 Binding Effect

The Board's members, its Superintendent, and its employees are expected to know and observe all of the Board's policies.

1.5.15.6.2 Policy Manual

The Superintendent shall be responsible for maintaining a manual containing all of the Board's written policies. From and after the date of this policy, the manual shall indicate the date of the Board's action approving each policy or modification of policy. If the effective date of a policy or modification was not also the date of its approval, the manual shall so indicate.

1.5.15.6.3 Dissemination

The Superintendent shall establish and maintain an orderly system for making all of the Board's policies accessible to

the Board's members, the Board's employees, students of the county's public schools, the county's faculty senates, and the county's local school improvement councils. The Superintendent shall also maintain a system for making the Board's policies available to the parents, guardians, and custodians of the Board's students, and to residents of the county. The Board's policies are public records, open for inspection at the Board's office and through the Internet. ~~and in Marshall County's Public Libraries.~~

1.5.15.7 The Review of Board Policies

1.5.15.7.1 Outdated, Unnecessary, and Ineffective Policies

After a period of three years from the date of the Board's approval or last modification of a policy, the Superintendent shall notify the Board if the policy is out of date, seems unnecessary, or has proven ineffective, or whether it is in need of modification or repeal for any other reason. This paragraph shall not apply to the review of this policy, "Marshall County School Board Policy Processes," which shall be reviewed under 1.5.15.7.2, below.

1.5.15.7.2 Review as Needed

Nothing in 1.5.15.7.1 above, shall be construed to prohibit the Superintendent from alerting the Board to more urgent reason to modify, or repeal policy, especially when action is necessary to reflect changes in applicable state or federal law.

1.5.15.7.3 This Policy

The Board shall review the operation of this policy, "Marshall County School Board Policy Process," on the first anniversary of its enactment and at least every three years thereafter.

1.5.16 Miscellaneous

1.5.16.1 Urgencies Requiring Immediate Action

The Board may dispense with any and all of the procedures of this policy when, by vote in open session, the Board in its sole discretion determines that it should expedite the process to meet urgent conditions. However, in such case the approval, modification, or repeat of a policy shall be considered temporary only, and the procedures of this policy shall be followed in due course in order for the action to have permanent effect.

1.5.16.2 Effective Date of Board Policies

Unless otherwise clearly indicated in a policy or by the Board’s action, approving, modifying, or repealing a policy, each policy, modification of policy, and repeat shall take effect upon the date of final Board action under 1.5.7.3.6 (1 or 2), above.

1.5.16.3 Duration of Board Policies

Unless otherwise clearly indicated in the policy or by the Board’s action approving or modifying a policy, each policy and modification of policy shall continue from year to year until and unless changed or repealed by the Board.

1.5.16.4 Conflicts with State or Federal Law

In the event of a conflict between a policy of the Board, on the one hand, and the requirements of state or federal law, on the other, the requirements of state or federal law shall prevail, and the conflicting provision of the policy shall be considered null and void without further action by the Board.

1.5.16.5 Effective Date

This policy shall take effect upon its enactment by the Board.

1.5.17 Periodic Review of Policies

It shall be the responsibility of the Board of Education with the aid of the Superintendent to periodically review and evaluate the policies of the Board. It is recommended that such a review be conducted annually or whenever deemed necessary by the Board.

1.5.18 Minutes

The official minutes of the Board of Education shall be kept in a safe place by the secretary of the Board, and are available to any citizen online through the Marshall County Schools webpage (Board Minutes November 13, 1951.) (02/28/12)