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PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
B. BOARD OF EDUCATION OPERATIONS	Last Review:
File: B.1. Pendleton County Board of Education Operations	September, 2011

Each public school district in West Virginia, including Pendleton County, is under the supervision and control of a five-member board of education. Its power and authority is derived from state law, state board policy, and local board policies.

The Board, consistent with state and federal laws and regulations, has the authority to control and regulate all schools and all school interests and activities upon all school property whether that property is owned or leased by the district.

To promote school board effectiveness, the policies contained in this Policy Manual shall be reviewed annually and amendments shall be made as deemed necessary by the Board.
(WVC §18-5-1; §18-5-13 and §18-5-14)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.2. Board of Education Operational Goals	Adopted: August 20, 2003 Last Review: September, 2011
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We believe that public education is a function of the state, and that the state has delegated the local control of education to county boards of education.

The Pendleton County Board of Education's primary responsibility is to establish those purposes, programs, and procedures, which will best produce the educational achievement needed by students. It is charged with accomplishing this while also being responsible for wise management of the resources available to the district. The Board must fulfill these responsibilities by functioning primarily as a legislative body to formulate and adopt policy, by selecting an executive officer to implement policy, and by evaluating the results. Further, it must carry out its functions openly, while seeking the involvement and contributions of the public, students, and staff in its decision-making processes. In accordance with these principles, the Board pledges to:

- ❖ Concentrate its collective effort on its policy-making and planning responsibilities;
- ❖ Formulate Board policies which best serve the educational interests in the school district;
- ❖ Provide the Superintendent with sufficient and adequate direction for implementing Board policies;
- ❖ Maintain effective communication with the public it serves and with staff and students in order to maintain a mutual awareness of the attitudes, opinions, desires, and ideas that impact the school system;
- ❖ Conduct Board business openly, soliciting and encouraging broad-based involvement of all stakeholders in the Board's decision-making processes;
- ❖ Achieve financial stability in the district through responsible management and planning; and
- ❖ Provide quality facilities through the implementation of a comprehensive facilities plan.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.3. Legal Status	Adopted: August 20, 2003 Last Review: September, 2011
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The West Virginia Constitution places the responsibility for providing a thorough and efficient system of free school upon the Legislature. The Legislature implements this constitutional responsibility by enacting statutes known collectively as the *West Virginia Code*. Legally, county boards of education are instruments of the State of West Virginia and derive their authority from the state through its statutes, and through regulations set forth by the West Virginia Board of Education.

(P) B.3.1. Board Authority

Local school boards possess no inherent powers of any kind. Such powers as they possess are conferred upon them by the state. In interpreting the laws, the courts have confirmed that boards of education may exercise the following powers:

- ❖ Those expressly granted by statute;
- ❖ Those that may be fairly implied in the powers expressly granted, and;
- ❖ Those essential to the accomplishment of the purposes for which the school district was created.
(WV Con Art XII and WVC Chapters §18 and §18A)

These powers are delegated to the Board as a body. No authority is granted Board members acting as individuals, except when the actions are taken pursuant to specific instructions of the Board. They have complete authority, within state law, over school affairs when they serve as a legal body. The Board shall concern itself primarily with broad questions of policy rather than with the administrative details. The application of policy is an administrative task to be performed by the Superintendent and staff, which shall be held responsible for the effective administration and supervision of the entire school system.

Delegating administrative functions makes the Board responsible for evaluating the effectiveness of the execution of Board policies. Evaluation by the Board requires a continuous appraisal of the results of its educational policies, as well as the effectiveness of the general administration.
(WV Con Art XII, Sections 1.2 and WVC §18-2-1 and §18-5-5)

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(P) B.3.2. Powers and Duties

The Pendleton County Board of Education, functioning within the framework of laws, court decisions, Attorney General's opinions and similar mandates from the state and national levels of government, fulfills its mission as the governing body of a school district by:

- ❖ Selecting a competent Superintendent and supporting him/her in the discharge of his/her duties;
- ❖ Enacting policies by which the school system shall be governed;
- ❖ Approving the budget, financial reports, audits, expenditures, payment of obligations;

- ❖ Considering recommendations for capital outlay, adopting plans for such improvement, and determining the sources of finance;
- ❖ Estimating and seeking to provide funds for the operation, support, maintenance, improvement and extension of the school system;
- ❖ Requiring the establishment and maintenance of records, accounts, archives, management methods and procedures and regulations considered essential to the efficient conduct of school business;
- ❖ Requiring schools to keep records regarding funds connected with the school or school interests, including all receipts and disbursements of all funds collected or received by:
 - Any principal, teacher, student or other person in connection with the schools and school interests;
 - Any program, activity or other endeavor of any nature operated or conducted by or in the name of the school; and
 - Any organization or body directly connected with the school.
- ❖ Auditing individual school funds and accounts;
- ❖ Adopting textbooks and instructional materials for each subject and grade. The adoption period is based on the fiscal year (July 1 to June 30) and, unless otherwise noted, is established for six (6) years. All adoptions will be based upon the recommendation of the Superintendent with the assistance of a committee composed of appropriate teachers from throughout the county;
- ❖ Communicating the needs of the school system to the patrons of the district and the State Legislature;
- ❖ Establishing schools from preschool through high school and establishing post secondary programs approved by the State Board of Education;
- ❖ Closing any school which is unnecessary and assigning the students to other schools;
- ❖ Consolidating schools;
- ❖ Close any elementary school whose average daily attendance falls below 20 students for two consecutive months. The Board may assign the students to other schools in the district or to schools in adjoining districts;
- ❖ Providing at public expense adequate means of transporting all children of school age;
- ❖ Employing all school personnel as recommended by the Superintendent;
- ❖ Providing in-service training for school personnel as appropriate;
- ❖ Providing at public expense adequate public liability insurance;
- ❖ Establishing an annual school calendar that defines the employment term for employees and the instructional term for students;
- ❖ Establishing attendance areas and determining which schools students shall attend;
- ❖ Requiring and reviewing periodic reports from the Superintendent relative to the progress of the schools in terms of programs and student achievement;
- ❖ Enter into cooperative agreements with other board's of education;
- ❖ Enter into job-sharing agreements with employees; and
- ❖ Exercising any other authority and performing any other duties as may be required by law or by the regulations of the State Board of Education.
(WVC § 18-2-5; §18-5-1 through §18-5-39; §18-2A-1; §18-2A-2; §18-2A-3 and SBP 2445.40)

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Amended/Revised: August 26, 2008

<p>PENDLETON COUNTY BOARD OF EDUCATION</p> <p>B. BOARD OF EDUCATION OPERATIONS</p> <p>File: B.4. Election of Board Members, Resignations and Filling Vacancies</p>	<p>Adopted: August 20, 2003</p> <p>Last Review: September, 2011</p>
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Members of the Board are elected at large from the entire county without reference to political party affiliation. They are elected for four-year terms at the spring primary election and they take office on the first day of July following their election.

(P) B.4.1. Declaring Candidacy

Persons who are eligible to hold office as a member of the Board of Education may file a certificate with the Clerk of the Circuit Court of the county, declaring candidacy for office. On the certificate, the candidate affirms he/she is a candidate for office, is a legally qualified voter of Pendleton County, is eligible to hold office, and is a candidate in good faith. The certificate of announcement shall be filed no earlier than the second Monday in January preceding the primary election day, and not later than the last Saturday in January preceding the primary election day, and must be received before midnight, eastern standard time, of that day, or if mailed, shall be postmarked by the United States postal service before that hour.

(WVC §18-5-1b; §3-5-6 and §3-5-7)

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(P) B.4.2. Qualifications of Board Members

The eligibility requirements for board members as stated in WVC §18-5-1a state that persons who are members of a county board are as follows:

- ❖ Shall be a citizen and resident in the county in which he or she serves on the county board. Also, a person who is a candidate for membership on a county board or who is a member-elect of a county board shall be a citizen and resident in the county in which he or she seeks to serve on the county board;
- ❖ To be eligible for election or appointment as a member of a county board on or after May 5, 1992, a person shall possess at least a high school diploma or a general educational development (GED) diploma.

Restrictions on Board Members

- ❖ May not be employed by the county board on which he or she serves or seeks to serve, including employment as a teacher or service person; and
- ❖ May not engage in the following political activities:
 - Become a candidate for or hold any other public office, other than to succeed him or herself as a member of a county board subject to the following:
 - A candidate for a county board, who is not currently serving on a county board, may hold another public office while a candidate if he or she resigns from the other public office prior to taking the oath of office as a county board member.

- The term "public office" as used in this section does not include service on any other board, elected or appointed, profit or nonprofit, under the following conditions: (1) The person does not receive compensation and (2) The primary scope of the board is not related to public schools.
- Become a candidate for, or serve as, an elected member of any political party executive committee;
- Become a candidate for, or serve as, a delegate, alternate or proxy to a national political party convention; or
- Solicit or receive political contributions to support the election of, or to retire the campaign debt of, any candidate for partisan office.

Permissible Political Activities for sitting Board Members

- ❖ Make campaign contributions to partisan or bipartisan candidates;
- ❖ Attend political fund raisers for partisan or bipartisan candidates;
- ❖ Serve as an unpaid volunteer on a partisan campaign;
- ❖ Politically endorse any candidate in a partisan or bipartisan election; or
- ❖ Attend a county, state or national political party convention.

Every Board member shall take the oath prescribed by Article IV, Section 5, of the Constitution, before performing any of the duties of his office. The oath shall be filed with the Secretary of the Board.

No more than two members may be elected from the same magisterial district. If any magisterial district has one holdover member, only one member may be elected from that district. In Board elections, those persons receiving the highest number of votes district-wide shall be elected. However, if the candidates receiving the most votes would result in a magisterial district being represented by more than two board members, only the person having the highest vote total, who does not make the aggregate number of board members from that magisterial district more than two, shall be declared elected.
(WVC §3-5-6; §18-5-1; §18-5-1a and §18-5-1b)

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(P) B.4.3. Resignation or Removal

A member of the Board of Education may resign from the Board for any reason. A letter directed to the President of the Board should be submitted as early as possible. The Board shall have the authority to act upon this letter.

A member of the Board of Education shall be removed from office upon conviction of bribery or a felony, as defined in WVC §61-5A-3. A member of the Board of Education may be removed from office for official misconduct, incompetence, neglect of duty, or gross immorality.
(WV Con IV, 6 and WVC §61-5A-2, 3, 9)

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(P) B.4.4. Filling Vacancies

Vacancies may occur on the Board of Education due to death, resignation, removal, or failure of a

Board Member to meet the eligibility terms as defined in (P) B.4.2. *Qualifications of Board Members*. Vacancies shall be filled by appointment by the Board of Education within forty-five days of any vacancy that occurs in its membership. In the event the Board does not act within 45 days, the State Superintendent of schools shall appoint a person to fill the vacancy. Vacancies are filled in the following manner:

- ❖ If a vacancy occurs after the 84th day before a general election, and the unexpired term of office ends on June 30 following the next primary election, the appointee shall continue in office until the completion of the term.
- ❖ If a vacancy occurs after the 84th day before a general election, but prior to the close of candidate filing for the next primary election, and the unexpired term does not end on June 30 following the next primary election, an election for the unexpired term shall be held at the next primary election. The appointee to the unexpired term shall serve until June 30 following the primary election, and the duly elected candidate shall take office on July 1 and continue to serve until the expiration of the original term of office.
- ❖ Vacancies that occur after the close of candidate filing for the primary election, but not later than 84 days before the general election, shall be filled in the general election. The appointee shall serve until a successor is elected and certified.

The person with the highest number of votes may be declared elected to an unexpired term notwithstanding the fact that the person's magisterial district has two representatives serving on the Board at the time of election. However, such election is valid only if the number of representatives from that magisterial district will be less than two as of the first day of July following the primary.
(WVC §3-5-6 and §18-5-2)

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Amended/Revised: January 12, 2010; August 24, 2010

<p>PENDLETON COUNTY BOARD OF EDUCATION</p> <p>B. BOARD OF EDUCATION OPERATIONS</p> <p>File: B.5. School Board Members' Standards of Conduct and Responsibilities</p>	<p>Adopted: August 20, 2003</p> <p>Last Review:</p> <p>September, 2011</p>
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Election to the Board of Education is an expression of trust and support of the citizens of Pendleton County; therefore, the members of this Board shall conduct the people's business in a manner that meets the high legal, ethical and moral standards of the office.

(P) B.5.1. Code of Ethics

Members of the Board of Education, representing all the citizens of the county must recognize that:

- ❖ Their fellow citizens have entrusted them with the educational development of the children and youth of this county;
- ❖ The public expects their first and greatest concern to be in the best interest of each and every one of these young people without distinction as to who they are or what their background may be;
- ❖ The future welfare of this county, of this state, and of the nation depends in the largest measure upon the quality of education provided in the public schools to fit the needs of every learner;
- ❖ Board members must take the initiative in helping all the people of this county to have all the facts all the time about their schools, to the end that they will readily provide the finest possible school program, school staff, and school facilities;
- ❖ Legally the authority of the Board is derived from the State which ultimately controls the organization and operation of the county school board and which determines the degree of discretionary power left with the Board and the people of this county for the exercise of local autonomy; and
- ❖ Board members must never neglect their personal obligation to the county and their legal obligation to the state, nor surrender these responsibilities to any other person, group, or organization; but that, beyond these, they have a moral and civic obligation to the nation which can remain strong and free only so long as public schools in the United States of America are kept free and strong.

In view of the foregoing considerations, it shall be each Board member's constant endeavor to:

- ❖ Devote time, thought, and study to the duties and responsibilities of a school board member so that he/she may render effective and creditable service;
- ❖ Work with fellow board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during the vigorous debate of a point or issue;
- ❖ Base personal decision upon all available facts in each situation, to vote his/her honest conviction in every case, uninfluenced by partisan bias of any kind, thereafter to abide by and uphold the final majority decision of the Board;
- ❖ Remember at all times that as an individual he/she has no legal authority outside the meetings of the Board, and to conduct his/her relationships with the school staff, the local citizenry, and all representatives of the media on the basis of this fact;

- ❖ Resist every temptation and outside pressure to use his/her position as a school board member to benefit either himself/herself or any other individual or agency apart from the total interest of the school district;
- ❖ Recognize that it is as important for the Board to understand and evaluate the educational program of the schools as it is to plan for the business of school operation;
- ❖ Bear in mind under all circumstances that the primary function of the Board is to establish the policies by which the schools are to be administered, but that the administration of the educational program and the conduct of school business shall be left to the Superintendent of schools and his professional and non-professional staff;
- ❖ Welcome and encourage active cooperation by citizens, organizations, and the media of communication in the district with respect to establishing policy on current school operation and proposed future developments;
- ❖ Support the State and National School Boards Association; and
- ❖ Strive toward the ideal conditions required for effective school board service to his/her county, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and perpetuation of our representative democracy.
(WVSBA)

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(P) B.5.2. Orientation and Training

A person elected to a county board may not assume the duties of county board member unless he/she has first attended and completed a course of orientation relating to boardsmanship and governance effectiveness which shall be given between the date of election and the beginning of the member's term of office under the following conditions:

- ❖ A portion or portions of subsequent training such as that offered in orientation may be provided to members after they have commenced their term of office;
- ❖ Attendance at the session of orientation given between the date of election and the beginning of the member's term of office permits the member-elect to assume the duties of county board member, as specified in WVC §18-5-1a;
- ❖ Members appointed to the county board shall attend and complete the next such course offered following their appointment; and
- ❖ The provisions of this subsection relating to orientation do not apply to members who have taken office prior to July 1, 1988, and who serve continuously from that date forward.

Annually, each member of a county board shall receive seven clock hours of training in areas relating to boardsmanship, governance effectiveness, and school performance issues including, but not limited to, pertinent state and federal statutes such as the "Process for Improving Education" set forth in WVC §18-2E-5 and the "No Child Left Behind Act" and their respective administrative rules.

The orientation and training sessions shall be approved by the State Board and conducted by the West Virginia School Board Association or other organization or organizations approved by the State Board.

In the final year of any four-year term of office, a member shall satisfy the annual training requirement before January 1.

Failure to attend and complete the approved course of orientation and training relating to boardsmanship and governance effectiveness without good cause as determined by the State Board by duly promulgated legislative rules constitutes neglect of duty under WVC §6-6-7. (WVC §18-5-1a)

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(P) B.5.3. Conflict of Interest

The Pecuniary Interest codes of West Virginia make it unlawful for a member of the Pendleton County Board of Education or any employee of the system to be or become directly or indirectly, pecuniarily interested in the proceeds of any contract or service, if as such member, he/she may have any voice, influence or control over the awarding of the contract or the purchase of services or supplies. The penalty for conviction in violation of this law is a fine of not less than \$50 or more than \$500, and possible imprisonment for a period not to exceed one year. In addition, any such member shall be removed from office. Exceptions to the law include:

- ❖ Board members may vote for the employment of a spouse as a principal, teacher, or service employee of the School District.
- ❖ The penalties do not apply to any person who is a salaried employee of a vendor or supplier under a contract subject to the provisions of the law if the employee, his or her spouse or child:
 - Is not a party to the contract;
 - Is not an owner, a shareholder, a director or an officer of a private entity under the contract;
 - Receives no commission, bonus or other direct remuneration or thing of value by virtue of the contract;
 - Does not participate in the deliberations or awarding of the contract; and
 - Does not approve or otherwise authorize the payment for any services performed or supplies furnished under the contract.
- ❖ The penalties do not apply to any person who has a pecuniary interest in a bank within the county serving or is under consideration to serve as a depository of funds for the county or board of education, as the case may be, if the person does not participate in the deliberations or any ultimate determination of the depository of the funds.
- ❖ The provisions of the law do not apply to publications in newspapers required by law.
- ❖ School employees or school officials who have an interest in the sale, proceeds or profits in any book or other thing used or to be used in the free school system of this state, as proscribed in section nine, article XII of the constitution of West Virginia, may qualify for the exceptions set forth above.
- ❖ The provisions of the Ethics Code do not apply to any person who has a pecuniary interest in a public utility which is subject to regulation by the public service commission of this state.

The Board may make written application to the West Virginia Ethics Commission for an exemption to the Ethics Code in the following cases:

- ❖ Loss of a quorum of the Board;
- ❖ Excessive cost;
- ❖ Undue hardship;
- ❖ Substantial interference with the operation of the Board.

(WVC §61-10-15)

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(P) B.5.4. Unlawful Expenditures by a Fiscal Body

Except as provided in WVC §11-8-14b; §11-8-25a and §11-8-16a, the Pendleton County Board of Education shall not expend money or incur obligations:

- ❖ In an unauthorized manner;
- ❖ For an unauthorized purpose;
- ❖ In excess of the amount allocated to the fund in the levy order; or
- ❖ In excess of the funds available for current expenses.

Notwithstanding the foregoing and any other provision of law to the contrary, the Board or its duly authorized officials shall not be penalized for a casual deficit which does not exceed its approved levy estimate by more than three percent: Provided such casual deficit is satisfied in the levy estimate for the succeeding fiscal year: Provided, however, that in calculating a deficit for purposes of this section, account shall not be taken of any amount for which the local fiscal body may be liable for the unfunded actuarial accrued liability of the West Virginia Retiree Health Benefit Trust Fund or any amount allocated to the local fiscal body as an employer annual required contribution that exceeds the minimum annual employer payment component of the contribution.

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(P) B.5.5. Personal Liability of Board Members Who Participate in Unlawful Expenditures

Persons who in their official capacity, negligently participates in an illegal expenditure may face legal action for the recovery of the amount illegally expended. The school district, a taxpayer of the school district, the State Tax Commissioner, or a person prejudiced may bring the proceedings.

If any person, in official capacity, participates in an illegal expenditure and, in so doing, acts in accordance with and upon the advice of an attorney, which advice was asked for, received, and given in good faith, such person shall not be deemed guilty of gross negligence. However, that person may ultimately be found to have acted in a negligent manner and an action may be brought for the recovery of the amount illegally or improperly expended, both personally and upon his/her official bond.

(WVC §11-8-29 through 31a)

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(P) B.5.6. Compensation and Expenses

Board members may receive compensation at the rate of \$160.00 per meeting attended. They shall not receive pay for more than 50 meetings in any one fiscal year. Board members, who serve on the administrative council for a multi-county vocational center, may also receive compensation for up to 12 meetings at the same rate as for meetings of the county Board. Board members serving on the Regional Educational Services Agency (RESA) may receive compensation at a rate not to exceed \$100.00 per meeting attended, not to exceed 15 meetings per year.

Members shall also be paid, upon presentation of a sworn statement, for all necessary travel expenses incurred on official business at the order of the Board. The travel expense shall be calculated at the current per mile-approved rate.

(WVC §18-2-26 and §18-5-4)

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(P) B.5.7. Board of Education and Employee Liability Insurance

(P) P.1.6. Liability Insurance for School Employees

The West Virginia State Board of Risk and Insurance Management, consistent with West Virginia Code, provides appropriate professional liability insurance for all of the Pendleton County Board of Education members and its employees. The insurance covers any claim, demand action, suit or judgment by reason of alleged negligence or other acts resulting in bodily injury or property damage to any person within or without any school building if at the time of the alleged injury the Board member or employee was acting in the discharge of his/her duties, within the scope of his/her office, position or employment, under the direction of the Board of Education or in an official capacity as a school board member. The insurance policy includes:

- ❖ Comprehensive coverage;
- ❖ Malpractice coverage;
- ❖ Corporal punishment coverage;
- ❖ Legal liability coverage; and
- ❖ Provisions for the payment of attorney's fees in connection with any claim, demand, action suit or judgment arising from such alleged negligence or other act resulting in bodily injury under conditions described above.

The law requires that the minimum amount of liability insurance provide must be at least one million dollars for each occurrence. In addition, each county board of education shall purchase through the Board of Risk excess coverage of at least five million dollars for each occurrence.

(WVC §29-12-5a)

Note: Sexual violence (sexual abuse or molestation) in our society has become such an issue that the West Virginia Board of Risk and Insurance Management (BRIM) can no longer find an insurance carrier who is willing to provide excess coverage for employees beyond the one million dollars provided by the state. As of July 1, 2005, school employees may only rely on the one million dollars of coverage for acts involving sexual violence. BRIM will continue to provide five million dollars of excess liability coverage for other types of allegations lodged against school employees.

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(P) B.5.8. The Ethics Act

The West Virginia Governmental Ethics Act established a code of conduct to guide public officials and public employees and help them avoid conflicts between their personal interests and their public responsibilities. The Ethics Act tells public servants what is expected of them and gives official approval to their conduct if it complies with the standards of the Act. (See West Virginia Code 6B-1-1, et seq. See also Legislative Rules Title 158, Series 6-12)

The code of conduct established by the Act applies to all public servants [public employees, elected public officials, and appointed public officials] whether full-time or part-time, who serve in the

legislative, judicial, and executive branches of state, county, and municipal governments and the boards, commissions and the agencies of each of those levels.
(WVC §6b-1-1, et seq.)

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(P) B.5.8.1. Minimum Ethical Standards Established by the Ethics Act

Private Gain

The basic principle underlying the standards or code of conduct created by the Ethics Act is that those in public service should use their positions for the public benefit and not for their own private gain or the private gain of another. For example:

- ❖ You may not use your agency's supplies or equipment for personal projects or activities.
- ❖ Public employees and full-time appointed officials may not work on personal projects or activities during work hours for which they are paid by their employer.
- ❖ You may not use subordinates to work on your personal projects or activities during work hours or compel them to do so on their own time.

(WVC §6B-2-5)

Gifts

You may not solicit a gift unless it is for a charitable purpose from which you and your immediate family members derive no direct personal benefit. You may not solicit a subordinate for any gift - not even a gift for a charitable purpose.

The Ethics Act's prohibition against solicitation of gifts does not apply to solicitation of political contributions. However, WV Code §3-8-12(h) dealing with regulation and control of elections provides "No person shall solicit any [political] contribution from any non-elective salaried employee of the state government or of any of its subdivisions." You may not accept gifts from lobbyists, or from "*interested persons", unless it fits into one of the following exceptions:

- ❖ meals and beverages;
- ❖ unsolicited gifts of a value of \$25 or less;
- ❖ ceremonial gifts or awards of insignificant value;
- ❖ reasonable expenses incurred in appearing at a speaking engagement;
- ❖ reasonable honoraria [check the Commission's rules];
- ❖ free tickets to political, charitable, or cultural events customarily given as a courtesy to the office;
- ❖ purely private and personal gifts; or
- ❖ lawful political contributions.

Note: "interested persons" are those who do or seek to do business with, are regulated by, or are otherwise financially interested in the activities of your governmental agency.

(WVC §6B-2-5)

Selling to Subordinates

Although they may choose to buy from you, you may not personally solicit (in person, by phone, or personal letter) private business from subordinates you direct, supervise or control. Solicitations

directed to the public at large or for property of a kind you are not regularly engaged in selling are permitted.
(WVC §6B-2-5)

Private Interests in Public Contracts, Purchases & Sales

The Ethics Act says you may not have a financial interest in any contract, purchase or sale over which your public position gives you control; nor may your spouse, your dependent parents, your dependent children, or any business in which you or they have an ownership interest greater than 10%, or a creditor's interest greater than 10% of the indebtedness of the business.

This provision applies only to (1) those contracts your job gives you authority to award or control and (2) those purchases and sales you are authorized to make or direct others to make. The Ethics Commission can grant your agency a hardship exemption from this provision of the Ethics Act.

Note: Part-time appointed officials may avoid the prohibition by recusing themselves from considering and acting on such matters.
(WVC §6B-2-5)

Moonlighting or Changing Jobs

Full-time public servants may not (1) seek employment with, (2) be employed by, or (3) seek to sell or lease real or personal property to any person or business:

- ❖ that has a matter before the agency on which they are taking, or a subordinate is known to be taking, regulatory action; or
- ❖ that had, within the preceding twelve months, a matter on which they took, or a subordinate is known to have taken, regulatory action. The Ethics Commission can grant an exemption from this prohibition.

Conflict of Interest: Full-time public servants may not take personal regulatory action on matters affecting a person (1) by whom they are secondarily employed or (2) with whom they are seeking employment or have an agreement concerning future employment.

Prohibited activity: Full-time public servants may not accept private pay for providing information or services that are within the scope of their public duties. In other words, they can't sell, even on their own time, services their public position requires them to provide. This applies only to private work for people or businesses they serve as part of their public duties.
(WVC §6B-2-5)

Confidential Information

You may not during or after government service, knowingly and improperly disclose confidential information acquired through your public position or use it to further personal interests of yourself or another person.
(WVC §6B-2-5)

Rules Which Apply to County Public Servants only (WVC §61-10-15)

Certain county personnel (designated below) are also subject to a criminal statute which contains a similar, but more comprehensive public contract prohibition from which exemptions are not permitted.

- ❖ WV Code §61-10-15 applies to: (1) elected county officials [such as sheriff, county commissioners and school board members], (2) appointed county officials [those who serve on county boards, commissions, authorities and agencies], and (3) public school superintendents, principals, and teachers. It does not apply to other county employees.
- ❖ §61-10-15 prohibits these designated county personnel from having personal financial interests, directly or indirectly, in a contract, purchase or sale over which their public position gives them "voice, influence or control." The prohibition extends to their spouses, those they support, and businesses in which they have an ownership interest or by which they are employed.

Note: As a result of an amendment to the law in 2002, agency transactions with businesses which employ these designated personnel or their spouses may be legitimized, if the public servant is recused from agency action in regard to the transaction and other specific requirements are met.

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(P) B.5.9. Board Immunity from Liability: Disclosure of Information Regarding Former Employees

The Board or any of its designated agents who discloses job-related information that may be reasonably considered adverse about a former or current employee to a prospective employer of the former or current employee is presumed to be acting in good faith and is immune from civil liability for the disclosure or its consequences: Provided, that the disclosure of such information pursuant to WVC §55-7-18a shall be in writing and a copy of any such disclosure shall be provided to the former or current employee at the time of disclosure.

The presumption of good faith is rebutted upon a showing, by a preponderance of the evidence, that the information disclosed was:

- ❖ Knowingly false;
- ❖ Disclosed with reckless disregard for the truth;
- ❖ Deliberately misleading;
- ❖ Rendered with malicious purpose toward the former or current employee; or
- ❖ Disclosed in violation of a nondisclosure agreement or applicable law.

"Job-related information" means information concerning a person's education, training, experience, qualifications, conduct and job performance which is offered for the purpose of providing criteria to evaluate the person's suitability for employment.

If the Board should inadvertently disclosed job-related information to a prospective employer of a former or current employee that was false or misleading, and if the current or former employee requests, then the employer shall give corrected information to every person or entity that is in the employer's records as having received the original information, with a copy thereof to the former or current employee.

(WVC §55-7-18a)

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(P) B.5.10 Tort Liability

Except as identified below, the Board is not liable for damages in a civil action for injury, death, or loss to persons or property allegedly caused by an act of omission of the Board or an employee of the Board in connection with a governmental or proprietary function.

The Board is liable for injury, death, or loss to persons or property caused by:

- ❖ The negligent operation of any vehicle by its employees when the employees are employed within the scope of their employment and authority;
- ❖ The negligent performance of acts of its employees while acting within the scope of employment;
- ❖ Its negligent failure to keep the public roads, alleys, sidewalks, or school district-owned grounds in repair or free from nuisance; and
- ❖ The negligence of its employees which occurs within or on the grounds of buildings that are used by the school district; and
- ❖ Injury, death, or loss to persons or property when liability is expressly imposed upon it by state law. Liability shall not be construed to exist under another section of law merely because a responsibility is imposed upon the Board or because of a general authorization that the Board of Education may sue and be sued.

The Board of Education is immune from liability if a loss or claim results from:

- ❖ Legislative or quasi-legislative functions;
- ❖ Judicial or quasi-judicial or prosecutorial functions;
- ❖ Adoption or failure to adopt a law, including but not limited to, any statute, resolution, rule, regulation or written policy;
- ❖ Execution or enforcement of the lawful orders of any court;
- ❖ Snow or ice conditions or temporary or natural conditions on any public way or other public place due to weather conditions, unless the condition is affirmatively caused by the negligent act of a political subdivision;
- ❖ Natural conditions of unimproved property of the political subdivision;
- ❖ Any claim covered by any worker's compensation law or any employer's liability law; or
- ❖ Misrepresentation, if unintentional.

An employee of the Board of Education is immune from liability unless one of the following applies;

- ❖ His or her acts or omissions were manifestly outside the scope of employment or official responsibilities;
- ❖ His or her acts or omissions were with malicious purpose, in bad faith, or in a wanton or reckless manner; or
- ❖ Liability is expressly imposed upon the employee by a provision of this code.

The immunity conferred upon an employee by the code does not affect or limit any liability of a political subdivision for an act or omission of the employee.
(WVC §29-12A-4 and §29-12a-5)

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Amended/Revised: September 20, 2006; September 25, 2007; January 12, 2010

<p>PENDLETON COUNTY BOARD OF EDUCATION</p> <p>B. BOARD OF EDUCATION OPERATIONS</p> <p>File: B.6. Organization of the Board and Annual Self-Assessment</p>	<p>Adopted: August 20, 2003</p> <p>Last Review: September, 2011</p>
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The Board shall meet the first Monday in July following each biennial primary election. The purpose of the meeting is to elect, by secret ballot, a president and vice-president from the membership to serve a two-year term. The Board shall conduct no other business until a president and vice-president are elected. The name of the member elected as board president shall be promptly reported to the State Superintendent of schools. The Board shall also set a time for the regular monthly meetings.

The newly elected president shall assume his/her duties immediately upon election. The Board will not have standing Board of Education Committees. It will function as a committee of the whole. (WVC §18-4-10, §18-5-1c, §18-5-4, §18-5-25 and §18-9-6)

(P) B.6.1. Board Officers

The Pendleton County Board of Education officers shall include the elected President and Vice-President, the Superintendent of schools who shall hold the dual office of executive officer and secretary of the Board as required by law and a Treasurer. (WVC §18-5-1c; §18-9-6)

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(P) B.6.2. Official Duties of Officers

Presidential Duties: The President of the Pendleton County Board of Education shall preside at Board meetings, shall perform all duties imposed by the statutes, and shall perform such other duties as may be prescribed by law or by action of the Board of Education.

- ❖ He/she shall decide questions of order.
- ❖ He/she shall have the same right as other members to offer resolutions, to make motions or second motions, to discuss questions and to vote thereon.
- ❖ He/she shall call special meetings of the Board.
- ❖ He/she shall sign official district documents that require the signature of the President's office.
- ❖ He/she shall be an ex-officio member of all committees serving the school system.

Vice-Presidential Duties: The Vice-President shall be elected from the membership of the Board. He/she shall preside in the absence of the President. In this capacity, he/she is empowered to act and carry out all duties of the president during any period that the President is absent or incapacitated.

Secretary Duties: As prescribed in the State statutes, the County Superintendent of Schools shall be the secretary for the Board of Education. The secretary shall:

- ❖ Take the oath prescribed in the Constitution before performing any of the duties of his/her office;
- ❖ Attend all Board meetings except when his/her administration or employment is under consideration, and record its official proceedings in a book kept for that purpose;
- ❖ Record the number of each order issued, the name of the payee, the purpose for which the order was issued, and the amount thereof. Every order must be signed by the Secretary and the President of the Board;
- ❖ Care for and keep all papers belonging to the Board, including evidences of title, contracts and obligations in the Secretary's office;
- ❖ Record and keep on file all papers and documents pertaining to the business of the Board;
- ❖ Keep the accounts and certify the reports required by law or requested by the Board;
- ❖ Administer oaths to school officers, teachers, and others making reports;
- ❖ Deliver in proper condition to his/her successor all records and property pertaining to his office; and
- ❖ Exercise such other duties as are prescribed by law or the Board of Education.

Treasurer Duties: The Pendleton County Board of Education has adopted a resolution to employ a school district treasurer other than the sheriff. The Treasurer of the District shall be the chief fiscal officer for the Board of Education. He/she shall be responsible for the fiscal affairs of the school district's money in accordance with Board adopted budgets; receive, collect and disburse all school district money in accordance with Board adopted budgets; regularly submit written and oral reports to the Board which shall accurately reflect the current fiscal condition of the District; and make recommendations for the investment of School District funds to the Board.
(WVC §18-5-25 and §18-9-6)

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(P) B.6.3. Annual Self-Assessment

The Pendleton County Board of Education shall complete a self-assessment of its performance annually using an instrument approved by the State Board. The evaluation instrument selected shall focus on the effectiveness of the Board in the following areas:

- ❖ How effectively the Board deals with its various constituency groups and with the general public;
- ❖ How the Board provides a proper framework and the governance strategies necessary to monitor and approve student achievement on a continuing basis; and
- ❖ Enhancing the effective utilization of the policy approach to governance.

At the conclusion of the evaluation, the Board shall make a summary of the evaluation results, including areas in which it concludes improvement is warranted, to the public.
(WVC §18-5-1c)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.7. Public Relations	Adopted: August 20, 2003 Last Review: September, 2011
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In order to promote unity of purpose and understanding among members of the Board, to prevent individual members from being subjected to community pressures, and to promote an environment in which it may conduct business in an orderly fashion, the Board resolves to adopt the following rules for individual and collective conduct relative to school problems both in and out of Board meetings.

(P) B.7.1. Board Members’ Procedures for Responding to Public Inquiries

Proper procedures for Board of Education members when individuals or pressure groups contact a member individually shall be to:

- ❖ Listen to the problem with due respect for all;
- ❖ Inform the individuals or group that no official action can be taken except in a legally constituted meeting of the Board, therefore no promises can be made;
- ❖ Direct the party or parties to take the problem to the principal or Superintendent for a solution on the basis of policies of the Board; and
- ❖ If the contacting parties are trying to secure a position, promise them nothing but tell them to file an application with the Superintendent.

(P) B.7.2. Board-Superintendent Relationship

The Superintendent is the professional who becomes the bridge between the Board and the staffs of the schools, the public, students, and other constituents. He/she must translate into action the people's desires and needs for public education as mandated by law and expressed by the school board. The superintendency is a complex and sensitive leadership position that requires the confidence of the school board and the respect of subordinates.

The close working relationship and loyalty which the Superintendent owes the Board clearly sets him/her apart from the teachers, and to a degree, from other members of the administrative team. Although the working relationship between the Superintendent and the Board must be close and sometimes confidential, it is critically important for the cause of their common goals that both parties respect their proper roles and retain their identity on the management team.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.8. Promoting Board Effectiveness	Adopted: August 20, 2003 Last Review: September, 2011
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School boards are in the forefront of citizen-inspired public education leadership, policy development and decision-making. In order to promote school board effectiveness, the Pendleton County Board is committed to the development and adoption of policies and procedures that will enhance its ability to effectively serve the community. Pursuant to WVC §18-5-14, Board has filed its policies and procedures with the State Board. These policies and procedures shall be reviewed and modified as necessary before August 1 of each year.

(P) B.8.1 The Board’s Relationship with the Local School Improvement Councils

The following procedures have been established by the Pendleton County Board of Education as a means of receiving information, comments, and suggestions directly from Local School Improvement Councils regarding their mutual interest in establishing standards of accountability and planning for future needs. Please refer to *File: 1.5. Local School Improvement Councils*, for complete details of the authority and function of Local School Improvement Councils.

Meetings with Local School Improvement Councils

- ❖ The Board shall meet at least annually with a quorum of members from each local school improvement council at a time and in a manner to be determined by the Board.
- ❖ A schedule will be adopted at the beginning of each school term.
- ❖ At least 30 days before the annual meeting the Board shall develop and submit to the council an agenda for the meeting. The council chair or a member designated by the chair shall address items the Board has designated in the agenda and one or more of the following issues:
 - School performance;
 - Curriculum;
 - Status of the school in meeting the unified school improvement plan; and
 - Status of the school in meeting the county plan.
- ❖ The meetings will normally precede the school board meeting being held at the school.
- ❖ The Board may, with reasonable advanced notice, schedule additional meetings with the council for any low performing schools.

The Board shall, as it considers necessary, make written request for information from the Local School Improvement Council throughout the year or hold community forums to receive input from the affected community. The Board shall also make a report to the State Board at the conclusion of the school year, but no later than September 1 of each year, detailing the contents of the meeting or meetings held with each school council. The report shall become an indicator in the performance accreditation process for the county. Members of the council may assist the Board in compiling this report.
(WVC §18-5-14 and §18-5A-2)

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(P) B.8.2. The Board's Relationship with the Faculty Senates

To enable the Board to receive information, comments, and suggestions directly from faculty senates regarding their mutual interest in establishing standards of accountability and planning for future needs the following direct links are established between the Board and its faculty senates:

- ❖ The Board shall meet annually with the Faculty Senates or a representative;
- ❖ A schedule of such meetings will be adopted at the beginning of each school term; and
- ❖ The meetings will normally precede the school board meeting held at the school.
(WVC §18-5A-5)

Please refer to (P) P.17.5. *The Faculty Senate*, for complete details of the authority and function of faculty senates.

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(P) B.8.3. The Board's Relationship with the Community at Large

The following steps shall be taken to develop direct links between the Board and the community at large that will allow for community involvement at regular board meetings and will facilitate regular communication with the public regarding important issues:

- ❖ The Board shall annually allocate a segment of a regular meeting to meet with community members; and
- ❖ The meeting shall normally occur on the date of the scheduled meeting with the local school improvement council.

The Board encourages public participation in all regularly scheduled meetings by allowing constituents to speak to items on the agenda or to bring concerns to the Board [see (P). B.10.7. *Public Participation at Board Meetings*].

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(P) B.8.4. Broad Guidelines for Assuring the School District' Effectiveness

The Board recognizes its responsibility to provide broad guidelines for the school district, including the establishment of specific oversight procedures, development and implementation of standards of accountability, and development of long-range plans to meet future needs. The procedures outlined in the previous procedures and regulations are intended to meet these ends.

A record shall be kept of all suggestions made by Local School Improvement Councils, faculty senates, and the community at large regarding broad guidelines for oversight procedures, standards of accountability, and planning for future needs. The suggestions will be reviewed annually by the Board to identify those worthy of further consideration. Additionally, the Board reaffirms that its existing policies and resolutions regarding the school district's vision, mission, planning procedures, and goals shall, until withdrawn or amended, be interpreted and applied as specific oversight procedures, standards of accountability, and long-range plans to meet future needs.

To meet the educational goals of the State of West Virginia and such other goals it may establish the Board shall use school-based accreditation and performance data provided by the State Board of Education, as well as other available data, in making decisions about the educational program. To that end, the Superintendent shall compile and share with the Board, at least annually, the education goals of the State of West Virginia.

The Board will annually discuss individual school Report Card results, results of the District Report Card, Electronic Strategic Improvement Plan, Electronic Strategic School Improvement Plans, and all other information and findings relating to performance based accreditation of relevance to the district. **(WVC §18-2E-8b and SBP 2320)**

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(P) B.8.5. County Steering Committee

Pursuant to SBP 2510, the Pendleton County Board of Education shall appoint and maintain a County Steering Committee. Membership of the committee shall include: Parents and representatives from business, labor, higher education, economic development; local school improvement councils (one member from each programmatic level of Pre-k-4, 5-8, 9-12); faculty senate (one teacher from each programmatic level of Pre-k-4, 5-8, 9-12); students (one from each programmatic level of 5-8, 9-12) and other organizational entities in the county at the discretion of the Board. The duties of the Steering Committee shall include the following:

- ❖ The county steering committee will act as a partner with the Board in developing and implementing high quality preparation of youth for college, other post-secondary education and gainful employment;
- ❖ The membership or designated representatives may serve, to the extent appropriate, on the community technical college district consortia committee as established in W. Va. Code §18B-3-3a;
- ❖ The committee may also advise the Board in developing the county five-year Electronic Strategic County Improvement Plan; and
- ❖ The committee may also act as the Council on Productive and Safe Schools if it meets the stipulations for membership outlined in WVC §18-5-42.

(SBP 2510)

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(P) B.8.6. Local Government Flexibility (State Policy Waiver Process)

As of July 1, 2005, the Pendleton County Board of Education may seek a waiver of any state policy or rule it believes is preventing it from carrying out its duties in the most efficient, effective, and timely manner. The Superintendent, with the approval of the Board, may file an application for a waiver with the Secretary of Commerce.

The application shall, at a minimum, provide the official citation of the policy, rule or regulation for which waiver is sought. If there is no official citation, a copy of the policy or letter from which a waiver is sought shall be attached to the application. The Superintendent shall describe in sufficient detail

the problem created by the policy, rule or regulation for which waiver is sought and describe in sufficient detail how the waiver will allow the Board to carry out its duties in the most cost efficient, effective and timely manner.

The Secretary of Commerce has no authority to grant waivers, but he/she will review all waiver requests and make recommendations to the Governor who must work cooperatively with the leadership in the House of Delegates and the Senate in addressing changes which need to be made to existing laws.
(WVC §7-23-3)

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Amended/Revised: October 19, 2005

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.9. Legal Counsel	Adopted: August 20, 2003 Last Review: September, 2011
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The prosecuting attorney is the legal advisor to the Board of Education. At the Board's discretion, it may employ, contract with or otherwise engage legal counsel in lieu of utilizing the prosecuting attorney to represent it in any matters, actions, suits and proceedings in which the Board is interested.

(WVC §7-4-1; §7-7-5 and §18-5-13)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.10. School Board Meetings	Adopted: August 20, 2003 Last Review: September, 2011
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The Pendleton 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 believes that open government allows the public to be well informed about its decision-making process. Therefore, the board encourages the public's attendance and participation in its meetings and it welcomes coverage by the news media. Every effort shall be made to keep the public informed about its schools.

(P) B.10.1 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)

(P) B.10.2. Regular Meetings

Regular meetings of the Pendleton County Board of Education shall be held on the 2nd and 4th Tuesday of each month. Normally, all meetings will be held at the Pendleton County Board of Education Annex, unless the location is changed by vote of the Board. To facilitate citizen attendance at its meetings, the Board may choose to hold them at each of the county schools. All meetings shall begin at 6:00 p.m., unless otherwise announced by the Board of Education. (WVC§6-9A-3 and §18-5-4)

(P) B.10.3. 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 three-day 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. (WVC §6-9A-3 and §18-5-4)

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(P) B.10.4. 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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(P) B.10.5 School Board Meeting Procedures

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 the minutes of the previous meeting at least three 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. The Superintendent, Board members, the president, staff members or citizens of the school district may submit items for the agenda. Business items must be submitted in writing to the Superintendent at least seven days before the meeting in order to insure inclusion on the written agenda.

At each emergency meeting, if time permits, and at each regular and special meeting, the Superintendent of Schools of Pendleton County shall make available to the public a copy of the agenda for said meeting. The content of the agenda shall not be changed, nor shall additional matters be taken up and acted upon unless approved by a unanimous vote of the board members present. The agenda shall be posted at appropriate locations at the Board of Education offices and the Annex.

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, except 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 by "ayes" and "nays" and the vote shall be recorded in the official minutes of the board.

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

- ❖ Call to Order;
- ❖ Addition/Deletions/Changes to/Agenda ;
- ❖ Approval of Agenda;
- ❖ Public Comment and Presentations;
- ❖ Consent Agenda Items;
- ❖ Finance/Budget Issues;
- ❖ Old Business;

- ❖ New Business;

- ❖ Personnel;
- ❖ Other Information Items/Board Issues; and
- ❖ Adjournment.
(WVC §6-9A-3 and §18-5-4)

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(P) B.10.6. 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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(P) B.10.7. Public Participation at Board Meetings

All regular and special meetings of the Pendleton County Board of Education shall be open to the public. In order to protect the right of any interested party to present comments and questions to the Board and at the same time to assure that the meeting will be conducted properly and efficiently, the following procedures shall be followed:

- ❖ Any individual wishing to address the Board must register with the Superintendent at least 15 minutes prior to the time the scheduled meeting is to commence;
- ❖ This registration shall include the individual's name, address, topic, and group they may represent;
- ❖ In the event a group wishes to address the Board, a single individual shall be selected as the spokesperson;
- ❖ The order of business at board meetings shall include time for comments by the public;
- ❖ The individual, or group spokesperson, will be allowed 10 minutes for his/her presentation, although an extension of time may be granted by the Board as it hears the individual;
- ❖ Speakers may offer objective criticism of school operations and programs, but the Board will not hear personal complaints about school personnel or other persons at a public session. Alternate channels provide for Board consideration of complaints involving individuals; and
- ❖ The Board president or appropriate staff members may choose to answer questions asked by members of the audience or they may be answered in writing at a later date.
(WVC §6-9A-3)

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(P) B.10.8. School Board Executive Session Procedures

Board meetings are open, public meetings. Occasions for executive (closed) sessions should be infrequent. However, when the Board's corporate judgment so dictates that it is in the best interest of the school system the Board, by law, may hold an executive session for consideration of 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.

Executive sessions shall be called by a majority vote of the Board members present. All executive sessions shall be attended by the Superintendent; except when his/her tenure, salary, or administration is under consideration. The Board shall determine other individuals to be included in the executive session.

The presiding officer shall identify and announce at the regular meeting the reason for the executive session from the above list. Discussion and consideration of the reason may be held in the executive session. The Board may not make any decisions in executive session and must reconvene in an open, public meeting before voting on any matters discussed in executive session.

Minutes shall be kept of all executive sessions, but these minutes may be limited to information, that if disclosed, would not violate any student or employee personal rights or would not adversely affect the financial interests of the District. Electronic recordings shall be made of the executive sessions only when hearings related to grievances, suspension, expulsion, or separation of employees or students are being conducted.

(WVC §6-9A-1 through 6)

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(P) B.10.9. Minutes of School Board Meetings

The Board of Education shall provide for the preparation of written minutes of all its meetings. All such minutes shall be available to the public within a reasonable time after the meeting and shall include, at least, the following information:

- ❖ The date, time and place of the meeting;
- ❖ The names of each member of the Board present and absent;
- ❖ All motions, proposals, resolutions, orders, ordinances, and measures proposed, the name of the person proposing the same and their disposition;
- ❖ The results of all votes and, upon request of a member, the vote of each member by name; and
- ❖ A notation that the Board has reviewed a listing of all vendors and the total amount paid to them during the current business cycle.

Minutes of executive sessions may be limited to material the disclosure of which is not inconsistent with Pendleton County File: *(P) B.10.8. School Board Executive Session Procedures*. The Secretary of the Board shall have copies of the unofficial minutes of each Board meeting mailed to board members within a reasonable time after said meeting occurs. This will permit time for examination prior to the next meeting of the Board when the minutes shall be formally approved or modified and approved.

The Superintendent shall maintain the official minutes of the Board of Education in a safe place. They shall be made available to any citizen desiring to examine them during the hours when the Board office is open. Minutes of the current year shall be available on the school system's web site.
(WVC §6-9A-5)

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(P) B.10.10. News coverage of School Board meetings

In the effort to keep the public informed, the Board of Education shall have announcements made of pending meetings prior to holding them. Representatives of the local news media shall be welcome to attend all regular, special, and annual meetings of the Board.

(P) B.10.11. Request for Advisory Opinions from the West Virginia Ethics Commission and Good Faith Immunity from Civil Suit or Criminal Prosecution

The Pendleton 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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(P) B.10.12. 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 Pendleton 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 Pendleton 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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Amended/Revised: September 20, 2006; September 25, 2007

<p>PENDLETON COUNTY BOARD OF EDUCATION</p> <p>B. BOARD OF EDUCATION OPERATIONS</p> <p>File: B.11. School Board Policy-Development-Adoption-Dissemination</p>	<p>Adopted: August 20, 2003</p> <p>Last Review:</p> <p>September, 2011</p>
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The policy making body of the Pendleton County School District is the Board of Education. The Board shall adopt, and from time to time, amend and repeal policy statements and administrative regulations written to implement those policies. As prescribed by law, the Board shall delegate to the Superintendent the function of specifying required actions and the detailed arrangements under which the schools will operate.

All employees are expected to know and shall be held responsible for following state laws, state board policy, local board policy and implementing administrative regulations. It is imperative that all new and veteran school district employees are instructed about district-wide policies on a regular basis.

In adopting this policy manual, the Board is directing that all employees review and study it. Suggestions as to additions, revisions, or deletions should be sent to the Board for study and action.

(P) B.11.1. Adopting, Amending, and Repealing County Policies

Proposals for new policies, policy revisions, or the repeal of existing policies must be submitted in writing to the Superintendent for consideration and review at least two weeks prior to their submission to the Board for consideration.

- ❖ Proposed changes to the Policy Manual will be made available for public review for at least 20 school days via the School Systems’ webpage and at the Superintendent’s office.
- ❖ At a regularly scheduled meeting the Board will review and discuss the proposal (**first reading**).
- ❖ The proposal shall be placed on the agenda and discussed at the next regular meeting of the board (**second reading**).
- ❖ At the conclusion of the second reading, the Board may, upon proper motion, vote on the matter or it may direct additional changes to the policy which will be discussed at future regular or special meetings prior to a final vote on the matter.
- ❖ When it is in the best interest of the school system, the board may suspend the two-reading rule by a unanimous vote of the five board members.
- ❖ Unless otherwise specified, all policy changes shall take effect on the date of their adoption and shall supersede the previous policies on the subject.
- ❖ The Board of Education with the aid of the Superintendent shall at least annually review, evaluate and make any necessary revisions to the policies of the Board.

- ❖ Public comments on proposed new policies or amendments to existing policies may be made at the board meetings scheduled for discussing said proposals or through the Superintendent's office.
- ❖ Proposed changes to the Policy Manual will be made available for public review via the School System's webpage and in the Superintendent's office.

Policy additions, deletions, or changes, which are mandated by state law, federal law, or West Virginia Board policy, may be adopted by the Board without a period for public review or comment. At its next regular meeting or at a special meeting following the first reading, the Board will review the suggested policy change and consider it for adoption.

(WVC §18-5-14)

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(P) B.11.2. Policy Manual Distribution

The policies that have been approved by the Board have been codified and compiled in this manual. Central office and building level administrative regulations must be consistent with these officially adopted policies. This policy manual is not now complete, nor will it ever be. As new policies are adopted and old policies changed, inserts will be sent to the custodians of the manual and electronic copies of the manual will be updated.

A minimal number of manuals shall be placed strategically throughout the District. Placement shall include: central administrative offices, principals' offices, and a summary of selected policies will be placed on the Board's web site.

Board members and employees cannot be urged too strongly to study carefully the Policy Manual and administrative bulletins directed to them. These policies represent the guidelines, parameters, and constraints within which the school district operates.

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Amended/Revised: August 26, 2008

<p>PENDLETON COUNTY BOARD OF EDUCATION</p> <p>B. BOARD OF EDUCATION OPERATIONS</p> <p>File: B.12. Requests for the Waiver of Board Policies and Regulations</p>	<p>Adopted: August 20, 2003</p> <p>Last Review:</p> <p>September, 2011</p>
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The purpose of this Policy is to establish a mechanism, which allows local school level initiatives to be designed and implemented to meet local school needs and circumstances. The Local School Improvement Council, as established by West Virginia Code, may propose alternatives to the operation of the local school providing those alternatives will meet or exceed the high quality standards established by the State Board and will increase administrative efficiency, enhance the delivery of instructional programs, promote community involvement in the local school system or improve the educational performance of the school in general.

(P) B.12.1. Procedures for Requesting the Waiver of Policies and Regulation

All waiver requests must be based upon a proposed alternative to the standard operation of the school for one of the following purposes: increased efficiency, enhanced delivery of instructional programs, increased community involvement, and/or improved educational performance. The procedural steps for requesting waivers are described below.

- ❖ Procedures for requesting waivers to Board of Education Policies and Regulations:
 - Faculty Senates may request waivers by completing a Waiver Request/Notification Form that must be approved by the School Improvement Council prior to submission to the County Board of Education;
 - School Improvement Councils may request waivers to any county policy or regulation by completing a Waiver Request/Notification Form, submitting the original to the County Board of Education, and sending a copy to their School Principal and Faculty Senate Chairperson; and
 - Any proposed alternative program and related waiver must be approved by at least two-thirds vote of the council members. In those cases where the requested waiver affects employees, a majority of the affected employees at the school must agree prior to proposing the alternative or requesting a waiver.
- ❖ Requests for waivers shall be carefully reviewed by the Pendleton County Board of Education which shall have the prerogative to:
 - Request any and all additional information and documentation it may deem necessary in order to render a decision as to the granting of such waiver;
 - Request a meeting between the petitioning group and the Board of Education to secure additional information; and

- Request an impact study to be conducted by the office of the Superintendent and recommendations as to the outcomes of such waiver request.

- ❖ Requests for waivers may be reviewed at any time. However, in preserving the best interest of consistent county operations, the Board shall reserve the right to consider all requests on a bi-yearly basis. Approval of requests will usually be implemented during the next immediate full school year, and/or prior to the beginning of the next school semester.
- ❖ Submissions for waivers must be received at least 90 days prior to the expected implementation date. Decisions shall be made within 30 days of the expected implementation date.
(WVC §18-5A-3)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.13. Administration in the Absence of Policy	Adopted: August 20, 2003 Last Review: September, 2011
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It is the policy of the Pendleton County Schools that in situations where action must be taken within the school system where the Board has provided no guidelines, statements, or regulations the Superintendent or his/her designated representative shall have the power to take prudent action. The decisions shall be subject to review by and/or action by the Board at its next regularly scheduled meeting or at a special meeting for the express purpose of reviewing said action of the Superintendent. It shall be the duty of the Superintendent of Schools to inform the Board promptly of any such actions and of the need for policy to govern such situations.
(WVC §18-4-10)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.14. School Board Public Records	Adopted: August 20, 2003 Last Review: September, 2011
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Boards of education are quasi-municipal corporations carrying out the State delegated function of supervising educational matters at the local level. Their business is inherently public, and subsequently their records are public records. Any person has the right to inspect or copy any public record produced or retained on file by the Board.

(P) B.14.1 Procedures for Requesting Public Records

A request to inspect any school district public record shall be made directly to the County Superintendent of Schools who functions as the custodian of the school district records. The Superintendent shall provide proper and reasonable opportunities to inspect the records during normal working hours. The Superintendent shall see that the records are not removed from the Board offices and that they are handled in such a manner so as not to become damaged, destroyed, defaced or lost.

The request must state, with reasonable specificity, the information sought; and said request must be made during the regular working hours of the administrative staff of the Pendleton County Board of Education during any weekday.

Upon receipt of a written request to inspect specific public records the Superintendent shall within five days exclusive of Saturday, Sunday:

- ❖ Furnish copies of the requested information; or
- ❖ Advise the person making the request of the time and place at which s/he may inspect and copy the materials; or
- ❖ Deny the request stating in writing the reasons for such denial.

In the event the party making the request desires to have said records reproduced, the cost per copy shall be sufficient to cover the cost of duplicating the records requested including the personnel cost involved in making the copies. If the records requested exist in magnetic, electronic or computer form, the Superintendent shall provide copies of the records in these formats if requested.

The following categories of information are specifically exempt from disclosure under provisions of this policy:

- ❖ Information of a personal nature such as that kept in a personnel, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance: Provided, that nothing in this article shall be construed as precluding an individual from inspecting or copying his/her own personnel, medical or similar file;
- ❖ Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination;
- ❖ Information specifically exempted from disclosure by statute;

- ❖ Information that may be related to the prevention of terrorist acts and other school security issues; and/or
- ❖ Internal memoranda or letters received or prepared by any public body.

Any person denied the right to inspect the public records of the Board of Education may institute proceedings for injunctive or declaratory relief in the Pendleton County Circuit Court. **(WVC §29B-1-1 through §29B-1-6)**

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Amended/Revised: September 6, 2011

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.15. Board of Education Office Hours	Adopted: August 20, 2003 Last Review: September, 2011
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The Office of the Board of Education will be open at 8:00 a.m. and close at 4:00 p.m. Monday through Friday. The Office of the Board of Education will be closed in compliance with the school calendar and on such other days as the Superintendent may direct.

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Amended/Revised:

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PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.16. School Board Association Memberships	Adopted: August 20, 2003 Last Review: September, 2011
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While membership in school board associations is deemed desirable, it must be executed by a majority vote of the County Board of Education. When so voted, the Board may join the West Virginia School Boards Association and the National School Boards Association, and may pay such dues as may be prescribed by the above named associations and approved by the Pendleton County Board of Education.

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Amended/Revised:

<p>PENDLETON COUNTY BOARD OF EDUCATION</p> <p>B. BOARD OF EDUCATION OPERATIONS</p> <p>File: B.17. Authorizing the use of Electronic Signatures and Electronic Postmarks</p>	<p>Adopted: August 20, 2003</p> <p>Last Review:</p> <p>September, 2011</p>
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The Pendleton County Board of Education may, by appropriate official action, authorize the acceptance of electronic signatures in lieu of original signatures on messages or filings requiring one or more original signatures, subject to the requirements and limitations of WVC §39A-3-2. The Board may also elect to use authorize electronic postmarks.

If the Board elects to participate in and utilize the Secretary of State's digital signature authority and registry, its electronic transactions are bound to the regulation of the authority and registry and the rules promulgated there under. The Board is not required to participate, but if it elects to participate, it may withdraw from the program at any time upon the notification of the Secretary of State and all others who utilize that entity's digital signature program.

The Board may adopt a policy designating the documents on which electronic signatures, electronic postmarks or both are authorized and the type or types of electronic signatures which may be accepted for each type of document. The Board must give at least 30 day's public notice of the proposed policy to use electronic signatures and postmarks.

In the event the Board intends to extend, modify or revoke the authority to accept electronic signatures, it shall do so by the same means and with the same notice as required for adoption

Definitions:

- ❖ Certificate" means a computer-based record that:
 - Identifies the certification authority issuing it;
 - Names or identifies its subscriber;
 - Contains the subscriber's public key; and
 - Is digitally signed by the certification authority issuing it.
- ❖ "Certification authority" means a person who issues a certificate.
- ❖ "Digital mark" consists of an electronic code indicating approval or confirmation which is entered into protected digital record following access protocols which identify the user and require a password, personal identification number, encrypted card or other security device which restricts access to one or more authorized individuals.
- ❖ "Digital signature" consists of a message transformed using an asymmetric cryptosystem so that a person having the initial message and the signer's public key can accurately determine:
 - Whether the transformed message was created using the private key that corresponds to the signer's public key; and
 - Whether the initial message has been altered since the message was transformed.

- ❖ "Electronic postmark" means an electronic service provided by the United States Postal Service that provides evidentiary proof that an electronic document existed in a certain form at a certain time and that an electronic document was opened or the contents of the electronic document were displayed at a time and date documented by the United States Post Office.
- ❖ "Federal certificate authority and repository program" means an official program established by an agency of the United States government for the issuance and authentication of digital signature certificates or other secure electronic authorizations to individuals for use in electronic transactions.
(WVC §39A-31; §39A-3-2; §39A-3-3)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.18. Endnotes	Adopted: August 20, 2003 Last Review: September, 2011
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ENDNOTES

B. Board of Education Operations

West Virginia Constitution:

Article XII, Section 1.2 – Places the general supervision of the free schools of the state in the hands of the West Virginia Board of Education.

Article IV – Provision for removal of officials for misconduct, incompetence, and other defined reasons.

West Virginia Codes:

<u>Code</u>	<u>Topic of the Code</u>
§ 3-5-6-----	Election of county board of education members at primary elections.
§ 3-5-7-----	Filing announcements of candidacy.
§ 6-9A-1 thru 6-9A-6----	Open governmental proceedings.
§ 6-9A-3 -----	Proceedings to be open; public notice of meetings.
§ 6-9A-5 -----	Minutes of board meetings.
§ 6-9A-11-----	Request for advisor opinions from the Ethics Committee.
§ 6B-2-6 -----	Financial disclosure statement; filing requirements
§ 6B-2-7 -----	Financial disclosure statement; contents.
§ 7-4-1-----	Duties of prosecuting attorney; further duties upon request of attorney general.
§ 7-23-2-----	Flexibility for county commissions, municipalities and county boards of education.
§ 11-8-9-----	Meetings of local levying bodies.
§ 11-8-26 -----	Unlawful expenditures by local fiscal body.
§ 11-8-29 -----	Personal liability of officials participating in unlawful expenditure.
§ 11-8-30 -----	Recovery of unlawful expenditure from participating official by action; costs.
§ 11-8-31a-----	Recovery of attorneys' fees authorized
§ 11-8-9-----	Meetings of local levying bodies.
§ 11-8-12a-----	Adjourned session of board of education to hear objections to proposed levies.
§ 18-2-1-----	Creation; composition; appointment, qualification, terms and removal of members; offices.
§ 18-2-26 -----	Establishment of RESA's
§ 18-2E-8b -----	Audit of state board policies; legislative oversight commission; required plan of improvement; exemptions from determination of accreditation status.
§ 18-4-10 -----	Duties of county superintendent.
§ 18-5-1 thru 18-5-39 -----	Supervision and control of county school districts; number, nomination and election of members; general powers and duties.
§ 18-5-1a -----	Eligibility of county board members.
§ 18-5-1b -----	Election; term of office.
§ 18-5-1c -----	County boards of education; training in prevention of child abuse and neglect and child assault; regulations; funding.

- § 18-5-2----- Filling vacancies.
- § 18-5-3----- Oath of members.
- § 18-5-4----- Meetings; employment and assignment of teachers; budget hearing; compensation of members; affiliation with state and national associations.
- § 18-5-5----- Corporate character and general powers of board; exemption of school property from legal process and taxes.
- § 18-5-6----- Validation of titles to land in possession of board.
- § 18-5-7----- Sale of property at public auction; rights of grantor of lands in rural communities; oil and gas leases; disposition of proceeds.
- § 18-5-10 ----- Approval by state board of plans and specifications for buildings.
- § 18-5-13 ----- Authority of boards generally.
- § 18-5-14 ----- Policies to promote school board effectiveness.
- § 18-5-25 ----- Duties of superintendent as secretary of board.
- § 18-5-39 ----- Establishment of summer school programs; tuition.
- § 18-5A-2----- Local school improvement councils; election.
- § 18-5A-3----- Authority of the LSIC to request waivers.
- § 18-5A-5----- Public school faculty senates established; election of officers; powers and duties.
- § 18-9-6----- Transfer of monies; appointment of treasurer; bonding of treasurer; approval of bank accounts; authority to invest; security for funds invested.
- § 18A-2-12a----- Minimizing disagreements and misunderstandings between the board and its employees.
- § 29-12-5a----- Liability insurance for county boards of education, their employees and members the county superintendent of schools, and for employees and officers of the state department of corrections.
- § 29B-1-1 thru 29B-1-7 --- Freedom of information regarding public records
- § 39A-3-1; §39A-3-2;
- § 39A-3-2----- Electronic signatures and electronic postmarks.
- § 55-7-18a----- Qualified immunity for disclosing adverse job-related employee information.
- § 61-5A-2----- Definitions of bribery and corrupt practices.
- § 61-5A-3----- Bribery in official and political matters.
- § 61-5A-9----- Penalties; disqualification to hold office; statute of limitations for misdemeanor offenses.
- § 61-10-15----- Pecuniary interest of county and district officers, teachers and school officials in contracts; exceptions; offering or giving compensation; penalties.

State Board Policies:

Policy

Topic of the Policy

- SBP 2320----- Performance Based Accreditation System.
- SBP 2445.40 ----- Groupings for Textbook Adoption for Early Childhood Education, Middle Childhood Education, and Adolescent Education
- SBP 2510 ----- Assuring Quality of Education: Regulations for Education Programs
- SBP 3232 ----- Establishment Procedures and Operating Policies for Multi-county Career and Technical Education Centers
- SBP 7211----- Appeals Procedure for Citizens

Relevant Court Cases:

B.O.E. County of Taylor v. B.O.E. County of Marion, 578 S.E.2d 376 (2003) – A county may unilaterally establish bus stops within another county to provide transportation for students who have received proper authorization from both county school boards to attend school in the county providing the transportation.

Longwell v. B.O.E of Marshall County, 583 S.E.2d 109 (2003) –When a county is in need of legal services, it may exercise its own discretion in determining whether to utilize the services of the county prosecuting attorney or to hire its own legal counsel.

McComas v. Board of Education, 475 S.E.2d 280 (1996) – All meetings of any governing body must be open to the public. The plaintiff does not have to show intent to violate the code in order to show a violation has occurred. Another important aspect of this case is that it established that a board of education has the authority to close and/or consolidate schools, and the courts may not interfere with the decisions of the board without strong evidence justifying such interference.

Pell v. Board of Education, 426 S.E.2d 510 (1992) – Decisions of county boards of education concerning closings and consolidations may be rejected when they fail to comply with statutory provisions and state board regulations.

Adkins v. Smith, 408 S.E.2d 60 (1991) – Candidates for the board of education must meet residency requirements at the time they file for candidacy.

Bowers v. Bowyer, 310 S.E.2d 474 (1989) – The state superintendent of schools may review a decision by a county board of education on appeal by an employee.

Ohio Valley Contractors v. Board of Education, 293 S.E.2d 437 (1982) – Local boards of education do not have state constitutional immunity or common-law governmental immunity from suit.

Hall v. Pizzino, 263 S.E.2d 886 (1980) – County superintendents are not merely subject to the control of the board of education, but exercise a multitude of powers and duties independent of the board.

Pinson v. Varney, 96 S.E.2d 72 (1956) – Upholds the legislation that calls for the election of board members on the same date as primary elections.

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