

MEMBERSHIP

0141 **Number**

The Board of Education shall consist of five (5) members with no more than two (2) members elected from the same magisterial district.

0141.2 **Conflict of Interest**

With five (5) exceptions, a Board member shall not have any direct or indirect pecuniary interest in a Board of Education contract with, or a purchase of goods or services from, another person or party; nor shall a Board member furnish directly any labor, goods or services to the School District except voluntarily and without any compensation whatsoever. WV Code 61-10-15

The five (5) exceptions to the conflict of interest rule are as follows:

- A. The School District may make publications in newspapers as required by law even though a Board member has a pecuniary interest in a newspaper.
- B. The School District may do business with a public utility which is subject to regulation by the Public Service Commission of West Virginia even though a Board member has a pecuniary interest in the utility.
- C. The School District may employ the spouse of a Board member but only as a principal, classroom teacher, or service employee.
- D. The School District may designate a bank within the County as a depository of the School District's funds even though a Board member has a pecuniary interest in the bank, but only if the Board member does not participate in the

deliberations or any ultimate determination of the depository of the funds.

- E. The conflict of interest rule does not prohibit the School District from having a contract with a vendor or supplier who employs a Board member, or a Board member's spouse or child, but only if the employee 1) is salaried; 2) is not a party to the contract; 3) is not an owner, shareholder, director, or officer of a private party under the contract; 4) receives no commission, bonus, or other direct remuneration or thing of value by virtue of the contract; 5) does not participate in the deliberations or awarding of the contract; and 6) does not approve, vote for, or authorize payment for services or supplies furnished under the contract.

A Board member who has an interest in the profits or benefits of any contract is prohibited from making, participating in making, or in any way attempting to use his/her office or employment to influence a school district decision affecting his/her financial interest. For this to be effective, it is necessary for the Board member to excuse him/herself from participating in the discussion and decision-making process by physically removing him/herself from the room during the period, fully disclosing his/her interests, and recusing him/herself from voting on the issue.

Among the conflicts which law forbids:

- A. an appointed or elected public official from serving as a member of the Board, including a prosecuting attorney;
- B. a Board member from serving, for compensation, as the school dentist, physician, or nurse;
- C. a Board member from being employed for compensation by the Board;
- D. the employment by the School District of the spouse of a Board member other than as a principal, classroom teacher, or service employee;

- E. a Board member from receiving, soliciting, or accepting any gift, present, or thing of value to influence the adoption of books, instructional materials, or learning technologies, or any combination thereof;
- F. a Board member from accepting employment with the Board where such employment was authorized by the Board while s/he was a member thereof;
- G. a Board member from soliciting or using the authority or influence of his/her office to secure employment with the Board;
- H. a Board member from voting, deliberating, participating in discussions, or otherwise using the authority or influence of his/her office to create a position with the County or to set the compensation for such position where s/he is considering, or is being considered for, employment in that position;
- I. a Board member from having interest in any contract for the purchase of property, supplies, or other commodities or services by the Board;
- J. a Board member from voting on a personal matter involving the member's spouse, parent or parent-in-law, brother or sister, brother-in-law or sister-in-law, child, son-in-law or daughter-in-law, grandparent, or grandchild unless the personnel matter affects the member's relative as a member of a profession or occupation, and to no greater extent than any other member of the profession or occupation, or as a member of a class of at least five (5) persons;
- K. a Board member who is employed by a financial institution, and whose primary responsibilities include consumer and commercial lending, from voting on a matter that directly affects the financial interests of a customer of the financial institution if the Board member is directly involved in approving a loan request from the customer, or has been involved in approving a

loan for the customer within the past twelve (12) months, but only if the total of such loans exceeds \$15,000;

- L. a Board member from voting on appropriating public money, or awarding a contract, to a nonprofit corporation if the corporation employs the member, the member's spouse with whom s/he is living as husband and wife, or the member's dependent child, grandchild, or parent;
- M. a Board member from using frequent flyer bonus points earned while traveling on official school district business if his/her participation in the frequent flyer program results in additional cost to the School District.

WV Code 6B-2-5; 61-10-15

Board members shall not accept any form of compensation from vendors that might influence their decision on the eventual purchase of equipment, supplies, or services. Furthermore, except as specifically authorized by other provisions of this policy, Board members shall not accept any form of compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from a vendor. In addition, except as specifically authorized by other provisions of this policy, Board members shall not enter into a contractual arrangement with a vendor seeking to do business with the School District, or a vendor with whom the School District is doing business, whereby an individual Board member receives compensation in any form for services rendered. Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a Board member receives compensation prohibited by this rule, the Board member shall immediately notify the Treasurer, in writing, that s/he received such compensation and shall thereafter promptly transmit such compensation to the Treasurer.

Nothing herein shall prevent a Board member who

attends a conference held by an association of public officials and employees from accepting a meal, or attending a reception or open house, the cost of which is financed by a private party so long as the meal, reception, or open house is: (1) of an ordinary, routine character; (2) at an educational or informational event; and (3) open to all of the public officials and employees attending the event. A Board member is prohibited from improperly using his/her position to secure the donation of the cost of a meal, reception, or open house at a conference of an association of public officials and employees to which s/he or his/her Board belongs, while the Board member is simultaneously engaged in governmental business or regulatory activity directly affecting the related interests of the person solicited.

0142

Qualifications

Each member of the Board shall meet the qualifications specified by law and State Board policy.

A Board member:

- A. Must be a citizen, resident in the county.
- B. Cannot hold the position as a teacher or service personnel in the School District.
- C. Cannot hold another public office or be a member of any political party executive committee, or become a candidate for any other public office other than member of the Board of Education. A candidate for Board, who is not currently serving on the Board, may hold another public office while a candidate if s/he resigns from the other public office prior to taking the oath of office as a Board member. The term "public office" as used in this bylaw does not include service on any other board, elected or appointed, profit or nonprofit, provided the person does not receive compensation and the primary scope of the Board is not related to public schools.
- D. Cannot become a candidate for, or serve as, a delegate, alternate or proxy at a national political party convention.

- E. Cannot solicit or receive political contributions to support the election of, or to retire the campaign debt of, any candidate for partisan office.
- F. May engage in any or all of the following political activities:
 - 1. make campaign contributions to partisan or bi-partisan candidates
 - 2. attend political fund raisers for partisan or bi-partisan candidates
 - 3. serve as an unpaid volunteer on a partisan campaign
 - 4. politically endorse any candidate in a partisan or bi-partisan election
 - 5. attend a count, State, or national political party convention
- G. Must possess at least a high school diploma or a GED diploma. This shall not apply to any member of the Board who took office prior to May 5, 1992 and has served continuously since that date.
- H. Upon election to the Board, may not assume the duties of a Board member unless s/he has completed a course of orientation, as set forth herein below. This shall not apply to any member of the Board who took office prior to July 1, 1988 and has served continuously since.
- I. Upon assuming membership to the Board, must annually receive seven (7) clock hours of training, as provided in WV Code 18-5-1a(f).

WV Code 18-5-1a

Revised 6/1/10

0142.1 **Oath**

Each person elected or appointed to the Board shall, before entering his/her duties of office, take an oath to support the Constitution of the United States and the Constitution of the State of West Virginia and to perform faithfully the duties of his/her office. WV Code 18-5-3

The oath of office shall be taken by the newly elected or re-elected Board member(s) after his/her election is certified by the County Commission.

The oath of office shall be administered by the judge of any West Virginia Court of Record, a West Virginia county commissioner, a West Virginia notary public, or any West Virginia clerk of court. WV Code 6-1-4, 57-5-9. Unless the Superintendent is a notary public, s/he cannot administer this oath. (The school laws empower superintendents to administer oaths, "in any proceedings pertaining to the schools of the county," which is why superintendents can give oaths to witnesses in hearings.) WV Code 18-4-10(8)

0142.3 **Orientation and Training**

The Board of Education believes that the preparation of each Board member for the performance of Board duties is essential to the effectiveness of the Board's functioning. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the schools, and learn Board procedures. Accordingly, each new Board member, shall receive for use during his/her term on the Board:

- A. a copy of the Board policy manual;
- B. the current budget statement, audit report, and related fiscal materials;
- C. a copy of the School Laws of West Virginia.

The Board will establish and maintain a library of publications and reference materials for the use of

Board members and will provide a new Board member with a list of references that should be reviewed prior to being sworn in.

Each new Board member shall be invited to meet with the Board President, Superintendent, and Treasurer to discuss Board functions, policies, and procedures.

A. State Mandated Orientation

A person elected to a county board of education must attend and complete 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. Provided, that a portion or portions of the orientation may be given after the member has taken office and so long as part of the orientation was provided to the member prior to his/her taking office, the requirements set forth in 18-5-1a(e) shall have been met. Members appointed to the board shall complete the next such course offered following their appointment.

B. State Mandated Annual Training

Board members shall annually receive seven (7) clock hours of training in boardsmanship and 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 WV Code 18-2E-5 and the "No Child Left Behind Act" and their respective administrative rules. The orientation and training shall be approved by the State Board of Education and conducted by the West Virginia School Board Association or other organization(s) approved by the State Board. A Board member serving in the final year of his/her term shall satisfy the annual training requirement by January 1st.

C. Failure to Attend and Complete State Mandated Orientation/Training

The State Board of Education shall appoint a

committee named the "County Board Member Training Standards Review Committee" whose members shall meet at least annually. Subject to State Board approval, the committee shall determine which particular trainings and training organizations shall be approved and whether County Board members have satisfied the annual training requirement. WV Code 18-5-1a(h)

Revised 6/1/10

0143 **Election**

Members of the Board shall be elected with no more than two (2) members elected from any magisterial district. WV Code 18-5-1b

0144 **Term**

The term of each Board member shall be four (4) years and shall commence on the first day of July next following the primary election at which the member was elected. WV Code 18-5-1b

0145 **Filling a Board Vacancy**

A vacancy occurs on the Board when one (1) of the following events occurs:

- A. death
- B. resignation accepted by the Board
- C. failure of the person elected or appointed to qualify due to acceptance of duties incompatible with those of a Board member
- D. appointment, election, or filing for nomination to any public office other than to succeed himself/herself
- E. removal from the office

The Board shall take the following steps to fill the vacancy:

- A. The Board shall seek qualified and interested candidates from the community through the news media, word of mouth, and contacts with appropriate organizations.
- B. All applicants are to submit a notice of their interest, in writing, to the Board President.

Appointment by the Board to fill a vacancy shall be by majority vote of the remaining members of the Board.

If the Board fails to appoint a member to its Board within forty-five (45) days after the vacancy occurs, the State Superintendent of Schools is required by law to appoint a person to fill the vacancy.

- A. When the vacancy occurs after the eighty-fourth (84th) day before a general election, and the affected term of office ends on June 30th following the next primary election, the person appointed to fill the vacancy shall continue in office until the completion of the term.
- B. When the vacancy occurs after the eighty-fourth (84th) day before a general election and not later than the close of candidate filing for the next succeeding primary election, and the affected term of office does not end on June 30th following the next primary election, an election for the unexpired term shall be held at the next primary election, and the appointment shall continue until June 30th following the primary election. The elected successor shall take office on July 1st and serve until the expiration of the original term of office.
- C. When the vacancy occurs after the close of candidate filing for the primary election and not later than eighty-four (84) days before the general election, the vacancy shall be filled by election in the general election, and the appointment shall continue until a successor is elected and certified.

WV Code 18-5-2

0146 **Resignation or Removal**

The removal of a member who resigns shall become effective upon acceptance of the resignation by the Board.

A member may be removed for misconduct in office in accordance with law.

0147 **Compensation**

Board members may receive compensation at a rate not to exceed \$160.00 per meeting attended, but may not receive pay for more than fifty (50) meetings in any one (1) fiscal year. WV Code 18-5-4e

Expenses of a Board member incurred in the performance of his/her duties and expenses of a member-elect in training and orientation will be paid, provided that each such member or member-elect submits an itemized sworn statement of his/her expenses for approval by the Board. WV Code 18-5-4f.

The following guidelines have been established by the Board of Education to ensure appropriate and proper reimbursement of expenses for Board members.

- A. Expenses will be reimbursed only for activities authorized by the Board.
- B. Reimbursement for mileage will not exceed the current rate permitted by law.
- C. When attending a Board-approved conference, all fees, parking, mileage, meals, and housing in accordance with policy can be submitted for approval.
- D. No entertainment expenses or purchases of alcoholic beverages are reimbursable.

- E. A voucher detailing the amount and nature of each expense must be submitted to the Board for approval within thirty (30) days after the expenses have been incurred.

- F. Travel and personal expenses of spouse, children or other guests traveling with a Board member shall be the responsibility of the Board member or of the individual. Expenses for convention functions attended as a group will be borne by the County within budgetary limits.

0148 **Public Expressions of Members**

The Board President functions as the official spokesperson for the Board.

From time-to-time, however, individual Board members make public statements on school matters to local media and/or to local or State officials.

Board members should, when writing or speaking on school matters to the media, legislators, and other officials, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

0148.1 **Board-Staff Communications**

The Board of Education is a policy making body and its individual members do not have authority to direct the day-to-day operations of the County or its employees. Nevertheless, the Board believes that open channels of communication between itself and the staff will benefit the County. The preferred line of official County communication between staff and the Board is through the Superintendent.

Revised 8/7/12

0149 **Access to Records**

Individual members of the Board do not possess the

powers that reside in the Corporate Board of Education but no member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

Access to County personnel and student records shall be subject to the Board policy and applicable State and Federal law.

Information obtained from employee personnel records by members of the Board as authorized by the Board shall be used only for the purpose of aiding the members to fulfill their legal responsibilities in making decisions on such matters as appointments, assignments, promotions, demotions, remuneration, discipline and dismissal, or to aid the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.

It is unlawful for a present or former Board member to knowingly and improperly disclose any confidential information acquired by him/her in the course of his/her official duties. Nor may the Board member use such information to further his/her personal interests or the interests of another person WV Code 6B-2-5

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