

Policy 030 – Powers and Duties

Proposed revision effective upon passage

1st reading July 11, 2019

2nd reading

3rd reading

Statutory authority West Virginia Code 18-5-1 *et. seq.*, West Virginia Code 18-5-14

Administrative Guidelines

(none)

Powers

The powers of the Board consist of those matters expressly granted by statute and those matters which may be necessarily implied from such powers specifically delegated as being necessary to carry them out.

The Board shall be responsible for the management, supervision, and control of all the public schools in Roane County, and any and all persons who enter these school grounds or premises, whether they be employees, students, or any other persons, shall follow the policies, procedures, and guidelines set forth by the Board and its agents.

Member Powers

Board members as individuals do not separately possess the powers that reside in the Board of Education, except when and as expressly authorized by law or this Board but no Board member shall be denied facts or materials required for the proper performance of his/her duties to which s/he is legally entitled.

If in the opinion of the Superintendent a Board member's request(s) for facts and information is administratively unreasonable, s/he may withhold said facts or material until a ruling is made by the Board.

Legislative

The Board shall make such rules and regulations as are necessary for its governance and the governance of its employees, students and visitors to its schools, as well as the care and control of its grounds and premises, by adopting bylaws and policies for the organization and operation of the Board and this County.

Those bylaws and policies which are not dictated by the statutes or rules of the State Board of Education or ordered by the State Superintendent, or a court of competent authority may be adopted, amended, and repealed at any meeting of the Board, provided the proposed adoption, amendment, or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have been appeared on the agenda and read during at least two meetings prior to the meeting at which it is approved or rejected.

These bylaws and policies may be adopted or amended at a single meeting of the Board in an emergency. An emergency shall be defined for purposes of this rule as any situation or set of circumstances which the Board has reason to believe will close the schools or jeopardize the safety or welfare of the students or employees of the County. Any resolution adopted under emergency conditions shall expire automatically at the first public meeting of the Board following the abatement of the emergency unless the Board moves to adopt said resolution in final form.

Bylaws and policies shall be adopted, amended, repealed, or suspended by a majority of those present and voting.

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the

Board. All bylaws and policies shall be printed in the Board policy manual.

The Board may adopt, amend, or repeal rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting.

The Superintendent is authorized to review and make technical corrections to policies that have already been adopted through normal rulemaking procedures. The Superintendent shall inform the Board of any such changes at the next regular Board meeting.

Executive

The Board shall exercise its executive power by the appointment of a Superintendent of Schools, hereinafter referred to as "Superintendent", for a term of not less than one (1) nor more than four (4) years. Unless filling a vacancy caused by an incomplete term, the appointment of the County Superintendent shall be made after January 1st, and on or before June 1st for a term beginning on July 1st following the appointment.

The Superintendent shall enforce the elementary and secondary education statutes of West Virginia, rules of the State Board of Education, and the policies of this Board.

The Superintendent shall prepare guidelines for the administration of the County which are not inconsistent with statutes, regulations of the State Board of Education, or the policies of this Board.

Such administrative guidelines shall be binding on the employees and the students of the County when issued.

The Superintendent shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

Judicial

The Board of Education may assume jurisdiction over any dispute or controversy arising within the County and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of the Board. Provided, that such assumption of jurisdiction shall not obtain where a clear method of dispute resolution is provided by statute and/or regulation and until such assumption is triggered by actions set by statute and/or regulation. Likewise, no such assumption shall obtain where the exercise of such jurisdiction usurps authority reserved to the Superintendent, administration or other entity.

In furtherance of its adjudicatory function, the Board may, where statutorily permitted, hold hearings which shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the issue. In addition, the Board may schedule parties to disputes which are not amendable to hearing for discussion with the members of the Board and, thereafter, may vote on the disposition of the issue.

Beyond the basic requirements of due process, a hearing may vary in form and content in line with the severity of the consequences which may flow from it, the degree of difficulty of establishing findings of fact from conflicting evidence, and the impact of the Board's decision on the County.

Promotion of School Board Effectiveness

West Virginia Code 18-5-14 places school boards in the forefront of citizen-inspired public education leadership, policy and decision-making. In order to fulfill the requirements of the statute, the Board adopts this policy.

Direct Links Between the Board and Local School Improvement Councils

To enable the Board to receive information, comments, and suggestions directly from local school improvement councils regarding broad guidelines for oversight procedures, standards of accountability, and planning for future needs, the following direct links are established between the Board and its local school improvement councils:

A. Scheduled Annual Meetings:

The Board shall meet at least annually with ~~a quorum of members from each~~ the local school improvement council of any school deemed to be low performing under the accountability system established by the state board. ~~The meetings shall be scheduled by the Superintendent by September 15th.~~

B. Annual Meeting Agenda:

At least thirty (30) days before a local school improvement council's annual meeting with the Board, the Board shall develop and submit to the local school improvement council an agenda for the meeting. The agenda shall ~~identify the items which~~ require the principal and council chair or the chair's designee is to address at the meeting. ~~The items shall include, but need not be limited to~~ the dialogue of its meeting or meetings at which the parents, students, school employees, business partners, and other interested parties were given the opportunity to make specific suggestions on how to address issues which are seen to affect the school's academic performance, any reports by the county superintendent with respect to the school's performance and progress, and any one or more of the following issues: school performance, curriculum, status of the school in meeting the ~~unified school~~ school's strategic improvement plan, and status of the school in meeting relevant parts of the county's strategic improvement plan.

C. Requests for Information:

Throughout the year, the Board may make written requests for information from local school improvement councils or hold community forums to receive input from the affected community as the Board considers necessary.

D. Additional Meetings:

In its discretion, the Board may hold additional meetings with any local school improvement council. In particular, the Board may schedule additional meetings with the local school improvement council for any low performing school.

E. Annual Report:

~~At the conclusion of each school year, the Superintendent shall prepare, for adoption by the Board, a report concerning the meeting or meetings held with the local school improvement councils during the school year. In drafting the report, the Superintendent shall consult with the councils and may request their assistance. Upon approval by the Board, and no later than September 1st of each year, the report, including any amendments made by the board, shall be delivered by the Superintendent to the State Board of Education.~~

F. Additional Strategies:

~~———— The following may be used, but is not limited to:~~

- ~~1. — Surveys of Local School Improvement Councils~~
- ~~2. — Periodic Board Meetings involving Local School Improvement Councils~~
- ~~3. — Forums involving Local School Improvement Councils on specific topics~~
- ~~4. — Linkages with Local School Improvement Councils based on periodic designation as school improvement needs arise~~
- ~~5. — Town Meetings involving Local School Improvement Councils~~

Direct Links Between the Board and Faculty Senates

To enable the Board to receive information, comments, and suggestions directly from faculty senates regarding broad guidelines for oversight procedures, standards of accountability, and planning for future needs, the following direct links are established between the Board and its faculty senates:

- A. The Board shall provide a copy of its minutes of each Board meeting to each faculty senate.
- B. Each faculty senate shall provide a copy of its minutes of all faculty senate meetings to the Board.

In addition, the following direct links may be used, but are not limited to:

- A. Surveys of Faculty Senates
- B. Board Meetings involving Faculty Senates
- C. Meeting(s) with Faculty Senate Chairs
- D. Meeting(s) with Faculty Senates and/or representatives
- E. Forums involving Faculty Senates
- F. Linkages with Local School Improvement Councils based on periodic designation as school improvement needs arise
- G. Town Meetings involving Faculty Senates
- H. Forum participation as part of the constituency groups participating in the forum

Direct Links Between the Board and the Community at Large

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

- A. Surveys of the community at large
- B. Board Meetings involving the community at large, including monthly opportunities for the community to address the Board
- C. Utilizing techniques to enhance effective meeting management to maximize community involvement
- D. Forums involving the community at large
- E. Linkages with the community at large based on periodic designation as school improvement needs arise
- F. Town meetings involving the community at large
- G. Regularly communicating with the public regarding important issues
- H. Media-based and/or Internet-based communications

Periodic Review of Personnel Policies

The following procedures shall be followed to ensure that the Board's personnel policies are periodically reviewed to determine their effectiveness:

- A. Periodic review of existing Board of Education policies, particularly those policies warranting updating for compatibility and consistency with existing State Board of Education Policies and current State Law
- B. Periodic review of existing Board of Education personnel job descriptions
- C. Review of grievance procedure data provided by the Superintendent and the West Virginia Education and State Employees Grievance Board's Annual Reports to the Governor and the Legislature
- D. Consolidation of policies and policy categories
- E. New policy development

Broad Guidelines for the School System

The Board recognizes its responsibility to provide broad guidelines for the school system, including the establishment of specific oversight procedures, development and implementation of standards of accountability, and development of long-range plans to meet future needs.

Use of School-Based ~~Accreditation~~ Accountability and Performance Data

To meet the education goals of the State of West Virginia and such other goals as the Board may establish, the Board shall use school-based ~~accreditation~~ accountability and performance data provided by the State West Virginia Board of Education, as well as other available data, in Board decision making. To that end:

The Roane County Board of Education establishes additional strategies for meeting the education goals of the State of West Virginia and such other goals as the Board may establish. Such strategies contained in this policy may be adapted

for use by the county as specific needs arise. Other strategies may also be used. Best practices which may be used include, but are not limited to:

- A. Data of particular quality, purpose and standing may be used by the Board for the purpose of meeting specific Board goals, and for consideration in decision making.
- B. At least once annually, the Board will evaluate the effectiveness of utilizing data in its decision making, and the viability and usefulness of research received and utilized.
- C. A report of such meetings and any findings by the Board may be made to all Local School Improvement Councils, Faculty Senates and the community at large, through communications via the news media.

Policy Review

The Board shall at least annually, before August 1st, review the provisions of this policy and make such amendments as the Board finds necessary to effectuate the requirements of West Virginia Code 18-5-14. If such amendments are made, this policy shall be refiled with the state board of education.

The Board of Education will evaluate how policies have been implemented and their general effectiveness. It will rely on the school staff, students, and community to provide evidence of the effect of the policies it has adopted.

The Superintendent shall continually call to the Board's attention all policies that need revision. Additionally, the Board shall review all policies on an annual basis.

The Board directs the Superintendent to recall all policy and regulations manuals periodically for purposes of administrative updating and Board review.

The Superintendent is further directed to identify and undertake the correction of technical or formatting errors found in the policy and regulations manuals. Such correction shall be limited to non-substantive matters that do not affect the intent, meaning and/or operation of the policy or regulation. Upon completion of the technical and formatting corrections, the Superintendent shall provide a brief summary of the corrections to the Board for review. Should the Board determine that a correction is substantive in nature, it must take formal action to adopt the amendments to the policy or regulation. It is hereby determined that legal references or citations contained in Board policies are of a non-substantive nature such that they may be updated and/or corrected by the Superintendent as appropriate, and in a manner consistent with this paragraph.

Conferences, Conventions, and Workshops

The Board recognizes the value of membership and attendance at conferences and meetings at the County, Regional, State, and National level.

Attendance at County, Regional and State workshops and conferences is encouraged.

Each Board member is expected to report back to the Board after attending a conference at County expense.

Travel and personal expenses of spouse, children, or other guest 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.

The President of the Board will regularly receive a record of Board member attendance at conferences.