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## **SECTION B: School Board Governance and Operations**

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## **SECTION B: School Board Governance and Operations**

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## SCHOOL BOARD LEGAL STATUS

The School Board of Mecklenburg County derives its authority from the Constitution and laws of Virginia.

The Mecklenburg County School Board members are officers of the Commonwealth.

The Mecklenburg County School Board governs the school division.

The School Board is a corporate body whose title is "Mecklenburg County School Board".

Adopted: September 15, 2014

Revised: April 11, 2022

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Legal Refs.: Constitution of Virginia, article VIII, § 7.

Code of Virginia, 1950, as amended, §§ 22.1-2, 22.1-28, 22.1-31, 22.1-71.

Cross Ref.: AA            School Division Legal Status  
              BAAA          Board Member Authority

## SCHOOL BOARD POWERS AND DUTIES

### The School Board:

- adopts policy to provide for the day-to-day supervision of schools;
- sees that the school laws are properly explained, enforced and observed;
- secures, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and takes care that they are conducted according to law and with the utmost efficiency;
- cares for, manages and controls the property of the school division and provides for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;
- provides for the consolidation of schools or redistricting of school boundaries or adopts pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;
- insofar as not inconsistent with state statutes and regulations of the Board of Education, operates and maintains the public schools in the school division and determines the length of the school term, the studies to be pursued, the methods of teaching and the government to be employed in the schools;
- performs such other duties as are prescribed by the Board of Education or are imposed by law;
- obtains public comment through a public hearing not less than ten days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of fifteen percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the School Board at which the proposed action is taken if the public hearing is held before the action is taken;
- surveys, at least annually, the school division to identify critical shortages of teachers and administrative personnel by subject matter, specialized student support positions, and school bus drivers and reports such critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System or requests the superintendent to conduct such survey and submit such report to the School Board, the Superintendent of Public Instruction, and the Virginia Retirement System;

- ensures that the public schools within the school division are registered with the Department of State Police to receive electronic notice of the registration or reregistration of any sex offender within the school division pursuant to Va. Code § 9.1-914.
- ensures that the information sheet on the Supplemental Nutrition Assistance Program (SNAP) benefits program developed and provided by the Department of Social Services pursuant to subsection D of Va. Code § 63.2-801 is sent home with each student enrolled in an elementary or secondary school in the division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment;
- ensures that a fillable free or reduced price meals application is sent home with each student enrolled in a public elementary or secondary school in the division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment; and
- ensures that at any back to school night event in the division to which the parents of enrolled students are invited, any parent in attendance receives prominent notification of and access, in paper or electronic form, or both, to information about application and eligibility for free or reduced price meals for students and a fillable free or reduced price meals application that may be completed and submitted on site.

Specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, which may either be employed by the School Board or provided through contracted services.

Adopted: September 15, 2014  
Revised: June 21, 2021; July 17, 2023

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70.3, 22.1-78, 22.1-79, 22.1-253.13:2

Cross Refs.: AF Comprehensive Plan  
CBA Qualifications and Duties for the Superintendent  
KN Sex Offender and Crimes Against Minors Registry Information

## BOARD MEMBER AUTHORITY

The Mecklenburg County School Board is a body corporate, and in its corporate capacity is vested with all the powers and charged with all the duties, obligations, and responsibilities imposed upon school boards by law and may sue, be sued, contract, be contracted with, and purchase, take, hold, lease and convey school property, both real and personal. School Board members have no authority or duties except such as may be assigned to them by the School Board as a whole.

Adopted: September 15, 2014

Revised: April 11, 2022

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Legal Ref.: Code of Virginia, 1950, as amended, §22.1-71.

Cross Ref.: AA School Division Legal Status  
BB School Board Legal Status

## QUALIFICATIONS OF SCHOOL BOARD MEMBERS

At the time of appointment or election to office, each member of the School Board must be a qualified voter and bona fide resident of the school division and district, if any, which the member represents and meet any other criteria set forth in state law. If a board member ceases to be a resident of the school division or that district which the member represents, the member's position on the School Board shall be deemed vacant.

No employee of the School Board may serve on the Board.

Adopted: September 15, 2014

Revised: May 17, 2021

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-29, 22.1-30, 22.1-57.3.

Cross Ref.: BBE                      Unexpired Term Fulfillment

## BOARD MEMBER OATH OF OFFICE

All new school board members qualify by taking the oath prescribed for officers of the Commonwealth on or before the day of the initial meeting of the new school board. Failure to take the oath of office within the time allowed by law renders the office vacant.

Adopted: September 15, 2014

Revised: July 20, 2015

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 15.2-1522, 15.2-1524, 24.2-228, 49-1, 49-3.



## BOARD MEMBER REMOVAL FROM OFFICE

Any School Board member may be removed from office in accordance with the provisions of sections 24.2-230 through 24.2-238 of the Code of Virginia.

Adopted: September 15, 2014

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 24.2-230 through 24.2-238.

## UNEXPIRED TERM FULFILLMENT

Vacancies occurring in the membership of the School Board, including the position of tie breaker, if any, are filled as provided by law.

Adopted: September 15, 2014

Revised: July 20, 2015

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 15.2-410, 15.2-531, 15.2-837, 15.2-627, 22.1-39, 22.1-40, 22.1-44, 22.1-47, 22.1-50, 22.1-53, 22.1-57.3, 24.2-226, 24.2-228.

## CONFLICT OF INTERESTS AND DISCLOSURE OF ECONOMIC INTERESTS

### A. Purpose

The Mecklenburg County School Board seeks, through the adoption of this policy, to assure that the judgment of its members, officers and employees will be guided by a policy that defines and prohibits inappropriate conflicts and requires disclosure of economic interests as defined by the General Assembly in the State and Local Government Conflict of Interests Act (the Act).

### B. Areas of Regulation

The Act establishes six principal areas of regulation applicable to Board members, officers and employees of the Mecklenburg County School Division. They are:

- special anti-nepotism rules relating to School Board members and superintendents of schools
- general rules governing public conduct by School Board members regarding acceptance of gifts and favors
- prohibited conduct regarding contracts
- required conduct regarding transactions
- disclosures required from School Board members
- training requirements for School Board members

### C. Definitions

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsiary relationship, that exists when

- one business entity has a controlling ownership interest in the other business entity;
- a controlling owner in one entity is also a controlling owner in the other entity; or
- there is shared management or control between the business entities.

Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means any individual or entity carrying on a business or profession, whether or not for profit.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency which involves the payment of money appropriated by the General Assembly or political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision of it.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in Va. Code § 30-355.

"Employee" means all persons employed by a governmental or advisory agency.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of Va. Code § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Foreign country of concern" means any country designated by the Secretary of State to have repeatedly provided support for acts of international terrorism pursuant to the National Defense Authorization Act for Fiscal Year 2019, P.L. 115-232 § 1754(c), Aug. 13, 2018; the Arms Export Control Act § 40, 22 U.S.C. § 2780; or the Foreign Assistance Act of 1961 § 620A, 22 U.S.C. § 2370.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include:

- any offer of a ticket, coupon or other admission or pass unless the ticket, coupon, admission or pass is used;
- honorary degrees;
- any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution or program's financial aid standards and procedures applicable to the general public;
- a campaign contribution properly received and reported pursuant to Va. Code § 24.2-945 et seq.;
- any gift related to the private profession, occupation or volunteer service of the School Board member or employee or of a member of the School Board member's or employee's immediate family;
- food or beverages consumed while attending an event at which the School Board member or employee is performing official duties related to his public service;
- food and beverages received at or registration or attendance fees waived for any event at which the School Board member or employee is a featured speaker, presenter or lecturer;
- unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento or similar item that is given in recognition of public, civic, charitable or professional service;
- a devise or inheritance;

- travel disclosed pursuant to the Campaign Finance Disclosure Act (Va. Code § 24.2-945 et seq.);
- travel paid for or provided by the government of the United States, any of its territories or any state or any political subdivision of such state;
- travel related to an official meeting of, or any meal provided for attendance at such meeting by the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment;
- gifts with a value of less than \$20;
- attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered;
- tickets or the registration or admission fees to an event that are provided by the School Board to School Board members or employees for the purposes of performing official duties related to their public service; or
- gifts from relatives or personal friends.

For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew or first cousin; a person to whom the donee is engaged to be married; the donee's or donee's spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, step-sister, the donee's brother's or sister's spouse or the donee's son-in-law or daughter-in-law. For the purpose of this definition, "personal friend" does not include any person that the School Board member or employee knows or has reason to know is (a) a lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (b) a lobbyist's principal as defined in Va. Code § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the School Board. For purposes of this definition, "person, organization or business" includes individuals who are officers, directors or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this policy.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the School Board member or employee and who is a dependent of the School Board member or employee.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to a School Board member or employee or to a member of the immediate family of the School Board member or employee. Such interest shall exist by reason of

- ownership in a business if the ownership interest exceeds three percent of the total equity of the business;
- annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business;
- salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed \$5,000 annually;
- ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income or salary, other compensation, fringe benefits or benefits from the use of property;
- personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or
- an option for ownership of a business or real or personal property if the ownership interest will consist of the first or fourth bullets above.

"Personal interest in a contract" means a personal interest which an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business which is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business, or governmental agency, or represents or provides services to any individual or business and such property, business, or represented or served individual or business is

- is the subject of the transaction or
- may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.

Notwithstanding the foregoing, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee or elected member of a local governing body is appointed by the local governing body to serve on a governmental agency or an officer, employee or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is a result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member or member of his immediate family.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

D. Special Anti-Nepotism Rules Relating to School Board Members and Superintendents

1. The School Board may not employ or pay, and the superintendent may not recommend for employment, the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent or of a School Board member except as authorized below. This prohibition does not apply to the employment, promotion, or transfer within the school division, of any person within a relationship described above when such person
  - has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the taking of office of the superintendent or any member of the Board; or
  - has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the inception of such relationship; or
  - was employed by the School Board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of the School Board or superintendent.

A person employed as a substitute teacher may not be employed to any greater extent than he was employed by the School Board in the last full school year prior to the taking of office of such Board member or superintendent or to the inception of such relationship.

2. Notwithstanding the rules stated in Subsection D.1. above, the School Board may employ or pay, and the superintendent may recommend for employment, any family member of a School Board member provided that
  - the member certifies that he had no involvement with the hiring decision; and
  - the superintendent certifies to the remaining members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the Board had any involvement with the hiring decision.
3. Notwithstanding the rules stated above, the School Board may employ or pay any family member of the superintendent provided that
  - the superintendent certifies that he had no involvement with the hiring decision; and
  - the assistant superintendent certifies to the members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the superintendent had no involvement with the hiring decision.

4. No family member (as listed in section D.1., above) of any employee may be employed by the School Board if the family member is to be employed in a direct supervisory and/or administrative relationship either supervisory or subordinate to the employee. The employment and assignment of family members in the same organizational unit is discouraged.

E. General Rules Governing Public Conduct by School Board Members and Employees Regarding Gifts and Favors

1. Prohibited Conduct

No member or employee of the Board, shall

- solicit or accept money, or anything else of value, for services performed within the scope of the Board Member's or employee's official duties other than the Board Member's or employee's regular compensation, expenses or other remuneration;
- offer or accept money, or anything else of value, for or in consideration of obtaining employment, appointment, or promotion of any person in the school division;
- offer or accept any money or anything else of value for or in consideration of the use of his public position to obtain a contract for any person or business with the school division.
- use for the Board Member's or employee's own economic benefit, or anyone else's, confidential information gained by reason of the Board Member's or employee's office, and which is not available to the public;
- accept any money, loan, gift, favor, service or business or professional opportunity that reasonably tends to influence the Board Member or employee in the performance of the Board Member's or employee's official duties;
- accept any business or professional opportunity when he or she knows that there is a reasonable likelihood that the opportunity is being afforded the Board Member or employee to influence the Board Member's or employee's conduct in the performance of official duties;
- accept a gift from a person who has interests that may be substantially affected by the performance of the School Board member's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the Board member's or employee's impartiality in the matter affecting the donor;
- accept gifts from sources on a basis so frequent as to raise an appearance of the use of the Board Member's or employee's public office or employment for private gain; or
- use the Board Member's or employee's public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law, provided, however, that this prohibition shall not restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law.



## 2. Prohibited Gifts

For purposes of this subsection:

"Person, organization or business" includes individuals who are officers, directors or owners of or who have a controlling ownership interest in such organization or business.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who are members of a public, civic, charitable or professional organization, (ii) who are from a particular industry or profession or (iii) who represent persons interested in a particular issue.

School Board members and employees required to file a Statement of Economic Interests as prescribed in Va. Code § 2.2-3117 and members of their immediate families shall not solicit, accept or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for the School Board member or employee or a member of the School Board or employee's immediate family from any person that the School Board member or employee or a member of the School Board's or employee's immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (ii) a lobbyist's principal as defined in Va. Code § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the School Board. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

Notwithstanding the above, School Board members and employees required to file a Statement of Economic Interests and members of their immediate families may accept or receive

- a gift of food and beverages, entertainment or the cost of admission with a value in excess of \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the Statement of Economic Interests;
- a gift from a foreign dignitary with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged, so long as such foreign dignitary is not a representative of a foreign country of concern. Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth or a locality, but the value of such gift shall not be required to be disclosed;
- certain gifts with a value in excess of \$100 from a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board if such gift was provided to such School Board member or employee or a member of the immediate family of the School Board member or employee on the basis of a personal friendship. A lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board may be a personal friend of such School Board member or employee or the immediate family of the School Board member or employee. In determining whether a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in Va. Code §§ 2.2-3117 or 30-111; and
- gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board when the School Board member or employee has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to Va. Code § 30-356.1. Such gifts shall be reported on the Statement of Economic Interests.

The \$100 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

No person shall be in violation of this policy if (i) the gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii) consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value of the gift provided that such consideration reduces the value of the gift to \$100 or less.

### 3. Awards to Employees for Exceptional Service

Nothing herein shall be construed to prohibit or apply to the acceptance by a teacher or other employee of BLANK School Board of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

### F. Prohibited Conduct Regarding Contracts

1. No School Board member or employee shall have a personal interest in (i) any contract with the School Board or (ii) any contract with any government agency which is subject to the ultimate control of the Board;
2. Exceptions - The above prohibition is not applicable to:
  - a Board member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the School Board
  - an employee's own contract of employment
  - contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public
  - a contract awarded to a member of the School Board as a result of competitive sealed bidding where the School Board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the School Board; however, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the School Board, by written resolution, shall state that it is in the public interest for the member to bid on such contract
  - the sale, lease or exchange of real property between a School Board member or employee and the School Board, provided the Board member or employee does not participate in any way as a Board member or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the School Board or superintendent
  - the publication of official notices
  - contracts between the School Board and an officer or employee of the School Board when the total of such contracts between the School Board and the officer or employee of the School Board or a business controlled by the officer or employee does not exceed \$5,000 per year or such amount exceeds \$5,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in Va. Code § 2.2-3115

- an officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$5,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract
- contracts between an officer's or employee's governmental agency and a public service corporation, financial institution or company furnishing public utilities in which the officer or employee has a personal interest provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating or approving the contract
- contracts for the purchase of goods or services when the contract does not exceed \$500
- grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency
- an officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee
- employment contracts and other contracts entered into prior to August 1, 1987, provided such contracts were in compliance with the Virginia Conflict of Interests Act (or the Comprehensive Conflict of Interests Act) at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. The employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of the persons is employed in a direct supervisory and/or administrative position with respect to the spouse or other relative residing in his household and the annual salary of the subordinate is \$35,000 or more

#### G. Prohibited Conduct Regarding Transactions

1. Each School Board member and School Board employee who has a personal interest in a transaction
  - a. shall disqualify himself from participating in the transaction if
    - (i) the transaction has application solely to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsidary or affiliated business entity relationship with the business in which he has a personal interest, or
    - (ii) he is unable to participate pursuant to subdivision G.1.b, G.1.c., or G.1.d. of this policy.

Any disqualification under this subsection shall be recorded in the School Board's public records. The School Board member or employee shall disclose his personal interests as required by Va. Code § 2.2-3115.F and shall not vote or in any manner act on behalf of the School Board in the transaction. The member or employee shall not

- (i) attend any portion of a closed meeting authorized by the Virginia Freedom of Information Act when the matter in which he has a personal interest is discussed; or
  - (ii) discuss the matter in which he has a personal interest with other governmental officers or employees at any time.
- b. may participate in the transaction if he is a member of a business, profession, occupation, or group of three or more persons, the members of which are affected by the transaction, and he complies with the declaration requirements of Va. Code § 2.2-3115.H;
  - c. may participate in the transaction when a party to the transaction is a client of his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements of Va. Code § 2.2-3115.I; or
  - d. may participate in the transaction if it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.
2. Disqualification under this section shall not prevent any employee having a personal interest in a transaction in which his employer is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of this policy.
  3. If disqualifications under subsection 1.a. of this section leave less than the number required by law to act, the remaining member or members of the Board shall constitute a quorum for the conduct of business and have authority to act for the Board by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.
  4. The provisions of this section shall not prevent a Board member or employee from participating in a transaction merely because such a Board member or employee is a defendant in a civil legal proceeding concerning such transaction.

#### H. Disclosure Requirements

1. School Board members file, as a condition of assuming office, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to Va. Code § 2.2-3117 and thereafter file such statement annually on or before February 1. The disclosure forms are filed and maintained as public records for five years in the office of the clerk of the School Board.

2. School Board members and employees required to file the Statement of Economic Interests who fail to file such form within the time period prescribed shall be assessed a civil penalty of \$250. The clerk of the School Board shall notify the attorney for the Commonwealth for the locality of any School Board member's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty. The clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for filing.
3. Any Board member or employee who is disqualified from participating in a transaction under Section G.1.a. of this policy, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate and such disclosure shall be reflected in the School Board's public records in the division superintendent's office for a period of five (5) years.
4. Any Board member or employee who is required to disclose his interest under Section G.1.b. of this policy shall declare his interest by stating:
  - the transaction involved;
  - the nature of the Board member's or employee's personal interest affected by the transaction;
  - that he is a member of a business, profession, occupation or group the members of which are affected by the transaction; and
  - that he is able to participate in the transaction fairly, objectively, and in the public interest.

The Board member or employee shall either make his declaration orally to be recorded in written minutes of the Board or file a signed written declaration with the clerk of the Board, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the Board member or employee shall prepare and file the required declaration by the end of the next business day. The Board member or employee shall also orally disclose the existence of the interest during each School Board meeting at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

5. A Board member or employee who is required to declare his interest pursuant to subdivision G.1.c. of this policy shall declare his interest by stating
  - (i) the transaction involved;
  - (ii) that a party to the transaction is a client of his firm;
  - (iii) that he does not personally represent or provide services to the client; and
  - (iv) that he is able to participate in the transaction fairly, objectively and in the public interest.

The Board member or employee shall either make his declaration orally to be recorded in written minutes of the Board or file a signed written declaration with the clerk of the Board who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the Board member or employee shall prepare and file the required declaration by the end of the next business day.

#### I. Release of Disclosure Forms

A clerk of the School Board who releases any disclosure form shall redact from the form any residential address, personal telephone number, email address, or signature contained on such form.

#### J. Deadlines and Coverage Periods for Disclosure Forms

A School Board member or employee required to file an annual disclosure on or before February 1 shall disclose his personal interests and other information as required on the form prescribed by the Council for the preceding calendar year complete through December 31.

An School Board member or employee required to file a disclosure as a condition to assuming office or employment shall file such disclosure on or before the day such office or position of employment is assumed and disclose his personal interests and other information as required on the form prescribed by the Council for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the office or position of employment is assumed; however, any School Board member or employee who assumes office or a position of employment in January shall be required to only file an annual disclosure on or before February 1 for the preceding calendar year complete through December 31.

When the deadline for filing any disclosure falls on a Saturday, Sunday or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday or legal holiday.

#### K. Training Requirements for School Board Members

Each school board member completes the training session provided by the Council within two months after assuming office and thereafter at least once during each consecutive period of two calendar years while holding office.

The clerk of the School Board maintains records indicating school board members subject to the training requirement and the dates of their completion of training sessions. Such records are maintained as public records for five years in the clerk's office.

L. Advisory Opinions

School Board members or employees subject to the Act may seek written opinions regarding the Act from the local Commonwealth's attorney; the local county's attorney; or the Council. Good faith reliance on any such written opinion of the Commonwealth Attorney or a formal opinion or written informal advice of the Council made in response to a written request for such opinion or advice regardless of whether such opinion or advice is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion or advice bars prosecution for a knowing violation of the Act provided the opinion was made after a full disclosure of the facts. If the School Board member or employee relies on the opinion of the attorney for the Commonwealth in a prosecution for a knowing violation of the Act, the written opinion of the attorney for the Commonwealth shall be a public record and shall be released upon request. An opinion of the county attorney may be introduced at trial as evidence that the School Board member or employee did not knowingly violate the Act.

Adopted: September 15, 2014

Revised: July 20, 2015; July 17, 2018; July 29, 2019; July 20, 2020; July 18, 2022; July 17, 2023

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103.1, 2.2-3103.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115, 2.2-3118.2, 2.2-3119, 2.2-3121, 2.2-3124, 2.2-3132 and 30-356.

Cross Ref.:	CBCA	Disclosure Statement Required of Superintendent
	GAH	School Employee Conflict of Interests
	GCCB	Employment of Family Members



## SCHOOL BOARD ORGANIZATIONAL MEETING

The Mecklenburg County School Board holds an organizational meeting annually.

At that meeting the Board

- establishes its regular meeting schedule for the following year,
- elects one of its members as chair,
- approves a designee of the superintendent to attend meetings of the School Board in case of the superintendent's absence or inability to attend, and
- appoints, on the recommendation of the superintendent, a clerk of the School Board.

Upon election, the chair immediately assumes office and presides over the remainder of the meeting.

In addition, the Board

- may elect one of its members as vice-chair and
- may appoint a deputy clerk.

The vice-chair and deputy clerk, if any, are empowered to act in all matters in case of the absence or inability to act of the chair or clerk, respectively, or as otherwise provided by the Board.

The terms of the chair, clerk, vice-chair and deputy clerk are one year.

A member cannot serve consecutive terms as chair. After serving as chair, the School Board member must wait a year in order to be eligible to serve as chair again.

The Board's annual organizational meeting is held in January.

Adopted: September 15, 2014

Revised: July 19, 2021; April 11, 2022

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-72, 22.1-76.

Cross Ref.: BCB                      School Board Officials

## SCHOOL BOARD OFFICERS

The officers of the School Board are a chairman and vice-chairman. The chairman and the vice-chairman are elected annually at the organizational meeting of the School Board.

### School Board Chairman

The duties of the chairman are to preside at all meetings of the School Board, to perform such other duties as may be prescribed by law or by action of the School Board, and to sign all legal documents approved by the School Board.

The chairman, as a member of the School Board, has a vote on all matters before the School Board which come to a vote, but does not have an additional vote as chairman in case of a tie.

### Vice-Chairman

The vice-chairman, if present, presides in the absence of the chairman, and is empowered to act in all matters in case of the absence or inability of the chairman to act or as provided by resolution of the School Board. If neither the chairman or vice-chairman is present, a majority of Board members present, if they constitute a quorum, shall elect one from among themselves to chair the meeting.

### Parliamentarian

The School Board may annually elect a parliamentarian to advise the Board concerning the interpretation of Robert's Rules of Order, the parliamentary authority of the Board using the Rules for small bodies. Final rulings concerning rules of order shall, however, be made by the Chairman and Vice Chairman subject to appeal to the members of the School Board.

Adopted: September 15, 2014

Revised: December 17, 2018; April 11, 2022

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-72, 22.1-76.

Cross Ref.: BCA

School Board Organizational Meeting

## SCHOOL BOARD CLERK

On recommendation of the superintendent, a clerk is and a deputy clerk may be appointed annually at the organizational meeting of the School Board.

The clerk and deputy clerk, if any, are each bonded in an amount no less than ten thousand dollars (\$10,000), and the School Board pays the premiums for each bond. The clerk and deputy clerk, if any, discharge under the general direction of the superintendent all duties as required by law and such other duties as may be required by the School Board or the Board of Education.

Adopted: September 15, 2014

Revised: July 20, 2015; April 11, 2022

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-76, 22.1-77.

Cross Ref.:	BBFA	Conflict of Interests and Disclosure of Economic Interests
	BCA	School Board Organizational Meeting
	BHB	Board Member In-Service Activities
	CBCA	Disclosure Statement of Superintendent

## SCHOOL BOARD COMMITTEES

There are no standing committees of the Mecklenburg County Public School Board, except the Finance Committee, School Safety Committee, Joint Education Committee, Capital Improvement Committee, Athletics Committee, Instruction Committee, Agriculture Committee, and Policy Committee.

Special committees may be appointed by the chairman or created by School Board action. These committees shall be appointed or created for a specific purpose and shall expire upon completion of the assigned task unless School Board action authorizes temporary continuance of such committees.

Adopted: September 15, 2014

Revised: December 17, 2018; April 11, 2022; June 15, 2022; March 20, 2023

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Legal Ref.: Code of Virginia, 1950, as amended, §22.1-78, 22.1-277.06.

Cross Refs.:	BCEA	Disciplinary Committee
	BCF	Advisory Committees to the School Board
	BDA	Regular School Board Meetings
	BDB	Special School Board Meetings
	BDC	Closed Meetings
	GB	Equal Employment Opportunity/Nondiscrimination

## DISCIPLINARY HEARING COMMITTEE

A Disciplinary Hearing Committee composed of at least one school board member presides over all cases of student suspensions of more than 10 days within the Mecklenburg County School Division. Recommendations from the Discipline Hearing Committee for student placement and/or additional consequences must be approved by the Superintendent. The student or student's parent/guardian may appeal the decision to the School Board. Such an appeal must be in writing and must be filed within seven calendar days from the date of the written notification. Failure to file a written appeal within the specified time will constitute a waiver of the right to appeal.

The Disciplinary Hearing Committee follows the procedures set forth in Policy JGD/JGE Student Suspension/Expulsion.

Membership on the Disciplinary Hearing Committee is determined by the superintendent.

Adopted: March 20, 2023

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Legal Ref.: Code of Virginia, §§ 22.1-277.05, 22.1-277.06.

Cross Refs.:	BEC	School Board Committees
	JEC	School Admission
	JGD/JGE	Student Suspensions/Expulsion

## ADVISORY COMMITTEES TO THE SCHOOL BOARD

The School Board may appoint advisory councils or committees of citizens of the school division for consultation with reference to specific matters pertaining to local schools. In addition, pursuant to Board of Education regulations, the School Board establishes advisory committees for the following programs: special education and career and technical education. These committees serve without compensation for one-year terms.

In addition, the School Board establishes the following advisory bodies: None noted.

Adopted: September 15, 2014

Revised: July 20, 2015; June 15, 2020

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Legal Refs.: 20 U.S.C. §§ 5964, 6318.

Code of Virginia, 1950, as amended, §§ 22.1-16, 22.1-18.1, 22.1-86, 22.1-214, 22.1-227, 22.1-275.1.

8 VAC 20-40-60.

8 VAC 20-81-230.

8 VAC 20-120-50.

Cross Ref.:	BCE	School Board Committees
	EB	School Crisis, Emergency Management, and Medical Emergency Response Plan
	EBB	Threat Assessment Teams
	IC/ID	School Year/School Day
	IGBB	Programs for Gifted Students
	KC	Community Involvement in Decision Making

## SCHOOL ATTORNEY

The School Board may retain an attorney for legal counsel and services. The attorney, upon request by the School Board, may attend meetings of the Board and its committees.

Adopted: September 15, 2014

Revised: April 17, 2017

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-82.

## REGULAR SCHOOL BOARD MEETINGS

The School Board transacts all business at School Board meetings. The School Board does not vote by secret or written ballot. However, nothing prohibits separately contacting the membership, or any part thereof, of the School Board for the purpose of ascertaining a member's position with respect to the transaction of public business, whether such contact is done in person, by telephone or by electronic communication, provided the contact is done on a basis that does not constitute a meeting under the Virginia Freedom of Information Act.

All meetings of the School Board are open to the public, except as otherwise permitted by law.

No meeting is conducted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled to discuss or transact public business, except as provided in Policy BDD Electronic Participation in Meetings from Remote Locations.

The School Board gives notice of its meetings in accordance with Policy BDDA Notification of Meetings.

At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to the members of the School Board for a meeting are made available for public inspection at the same time such documents are furnished to the members of the School Board.

Any person may photograph, film, record or otherwise reproduce any portion of an open meeting. The School Board may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings, but does not prohibit or otherwise prevent any person from photographing, filming, recording or otherwise reproducing any portion of an open meeting. The School Board does not conduct any open meeting in any building or facility where such recording devices are prohibited.



Minutes of all regular School Board meetings are recorded in accordance with Policy BDDG Minutes.

Adopted: September 15, 2014

Revised: July 20, 2015; October 15, 2018; July 18, 2022; July 17, 2023

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3707, 2.2-3708.2, 2.2-3710, 22.1-72 and 22.1-74.

Cross Refs.:	KC	Community Involvement in Decision Making
	BCA	Board Organizational Meetings
	BDD	Electronic Participation in School Board Meetings from Remote Locations
	BDDA	Notification of Meetings
	BDDG	Minutes

## SPECIAL SCHOOL BOARD MEETINGS

The School Board holds special and continued meetings when necessary. Special meetings are held when called by the chairman or when requested by two or more members. Special meetings may be called provided each member is notified, or a reasonable attempt has been made to notify each member.

Business that does not come within the purposes set forth in the call of the meeting is not transacted at any special meeting of the School Board unless the members present unanimously agree to consider additional items of business.

Notice, reasonable under the circumstances, shall be given contemporaneously with the notice provided to members of the School Board.

Adopted: September 15, 2014

Revised: May 21, 2018; April 11, 2022

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3707, 22.1-72.

Cross Refs.:	KC	Community Involvement in Decision Making
	BCA	Board Organizational Meetings
	BDDA	Notification of Meetings
	BDDG	Minutes

## CLOSED MEETINGS

- A Closed meetings may be held by the School Board or any committee thereof only in accordance with Virginia law, for purposes including the following:
1. Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the School Board. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter which involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the School Board. The School Board may not, however, discuss the compensation of Board members in closed session.
  2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student in the Mecklenburg County Public School system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents or guardians so request in writing and such request is submitted to the presiding officer of the School Board.
  3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the School Board.
  4. The protection of the privacy of individuals in personal matters not related to public business.
  5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
  6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the School Board would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the School Board. For purposes of this subsection, "probable litigation" means litigation which has been specifically threatened or on which the School Board or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. The closure of a meeting is not permitted merely because an attorney representing the School Board is in attendance or is consulted on a matter.
8. Consultation with legal counsel employed or retained by the School Board regarding specific legal matters requiring the provision of legal advice by such counsel. The closure of a meeting is not permitted merely because an attorney representing the School Board is in attendance or is consulted on a matter.
9. Discussion or consideration of honorary degrees or special awards.
10. Discussion or consideration of tests or examinations or other information used, administered or prepared by a public body and subject to the exclusion in subdivision 4 of Va. Code § 2.2-3705.1.
11. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the School Board in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the School Board or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.
12. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of Va. Code § 2.2-3705.5.

13. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of Va. Code § 2.2-3705.2 where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.
  14. Discussion or consideration of information subject to the exclusion in subdivision 11 of Va. Code § 2.2-3705.6 (the Public Private Education Facilities and Infrastructure Act) by the School Board or any independent review panel appointed to review information and advise the School Board concerning such information.
  15. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the School Board.
- B No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the School Board, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.
- C. The School Board or any committee thereof may permit nonmembers to attend a closed meeting of the Board or committee if such persons are deemed necessary or if their presence will reasonably aid the Board or committee in its consideration of a topic which is a subject of the meeting.

D. School Board members may attend closed meetings held by any committee or subcommittee of the Board, or a closed meeting of any entity, however designated, created to perform the delegated functions of or to advise the Board. School Board members shall in all cases be permitted to observe the closed meeting of the committee, subcommittee or entity. In addition to the requirements of Va. Code § 2.2-3707, the minutes of the committee or other entity shall include the identity of the School Board members who attended the closed meeting.

Adopted: September 15, 2014

Revised: July 20, 2015; May 21, 2018; April 11, 2022

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3711, 2.2-3712.

Cross Ref.:	BCE	School Board Committees
	BCEA	Disciplinary Committee
	BCF	Advisory Committees to the School Board
	BDDA	Notification of Meetings

## CALLING AND CERTIFICATION OF CLOSED MEETINGS

- A. No closed meetings are held by the School Board or any committee thereof unless the School Board or committee has taken an affirmative recorded vote in an open meeting approving a motion which (i) identifies the subject matter, (ii) states the purpose of the meeting as authorized in Va. Code § 2.2-3711.A or other provision of law and (iii) cites the applicable exemption or exemptions from open meeting requirements provided in the Virginia Freedom of Information Act (FOIA) or other provision of law. The matters contained in such motion are set forth in detail in the minutes of the open meeting. A general reference to the provisions of FOIA or authorized exemptions from open meeting requirements, or the subject matter of the closed meeting is not sufficient to satisfy the requirements for holding a closed meeting.
- B. The School Board, or committee thereof, in holding a closed meeting, restricts its discussion during the closed meeting only to those purposes specifically exempted under FOIA and identified in the motion required in Section A, above.
- C. At the conclusion of any closed meeting, the School Board or committee thereof immediately reconvenes in an open meeting and takes a roll call or other recorded vote to be included in the minutes, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting. Any member of the Board or committee who believes that there was a departure from the requirements of (i) and (ii) above, so states prior to the vote, indicating the substance of the departure that, in the member's judgment, has taken place. The statement is recorded in the minutes of the meeting.
- D. Failure of the certification required by Section C, above, to receive the affirmative vote of a majority of the members present during a meeting does not affect the validity or confidentiality of such meeting with respect to matters considered therein in compliance with these provisions. The recorded vote and any statement made in connection therewith, upon proper authentication, constitutes evidence in any proceeding brought to enforce FOIA.

- E. Except as specifically authorized by law, in no event may the School Board or committee thereof take action on matters discussed in any closed meeting, except at an open meeting for which notice was given pursuant to Va. Code § 2.2-3707.
- F. The School Board is subject to a civil penalty of up to \$1,000 if a court finds that the Board voted to certify a closed meeting in accordance with Section C above and such certification was not in accordance with FOIA.

Adopted: September 15, 2014

Revised: May 21, 2018; July 29, 2019; July 18, 2022

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.1-3701, 2.2-3712 and 2.2-3714.

Cross Refs.:	BCE	School Board Committees
	BCEA	Disciplinary Committee
	BCF	Advisory Committees to the School Board
	BDC	Closed Meetings
	BDDA	Notification of Meetings

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## ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS

Except as provided hereafter, or as otherwise permitted by law, the School Board does not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled. This policy is applied strictly and uniformly, without exception, to the entire membership of the School Board and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

The minutes of meetings conducted in accordance with this policy include (i) the identity of the members of the School Board who participated in the meeting through electronic communication means, (ii) the identity of the School Board members who were physically assembled at one physical location, and (iii) the identity of the members of the School Board who were not present at the location identified in (ii) but who monitored such meeting through electronic communication means.

If the School Board creates committees, subcommittees, or other entities however designated to perform delegated functions of the Board or to advise the Board, it may adopt a policy on behalf of its committees, subcommittees, or other entities that applies to the committees', subcommittees', or other entities' use of individual remote participation and all-virtual public meetings.

### Definitions

"All-virtual public meeting" means a public meeting (i) conducted by the School Board using electronic communication means, (ii) during which all members of the Board who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Remote participation" means participation by an individual member of the School Board by electronic communication means in a public meeting where a quorum of the School Board is otherwise physically assembled.

### Quorum Physically Assembled (Individual Remote Participation)

Members of the School Board may use remote participation instead of attending a meeting in person if, in advance of the meeting, each member seeking to use remote participation notifies the chair that:

- the member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
- a medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
- the member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
- the member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meeting held per calendar year rounded up to the next whole number, whichever is greater.

The chair reports such requests, if any, to the Board at the beginning of each meeting. Those members of the Board assembled at the primary meeting location must consider the requests for remote participation from each member seeking to use remote participation prior to the member participating in the meeting. The requests, as reported by the chair, and the votes on each member's request are recorded in the minutes.

If participation by a member through electronic communication means is approved, the School Board records in its minutes the remote location from which the member participated. The remote location need not be open to the public and may be identified in the minutes by a general description.

If participation is approved based on a temporary or permanent disability or other medical condition of the member or a member of the member's family, the School Board includes in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance.

If participation is approved because the member's principal residence is more than 60 miles from the meeting location, the School Board includes in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location.

If participation is approved because of a personal matter, the School Board includes in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location is disapproved, such disapproval is recorded in the minutes with specificity.

#### Quorum Not Physically Assembled (All-Virtual Public Meetings)

The School Board may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, or the locality in which the School Board is located has declared a local state of emergency pursuant to Va. Code § 44-146.21, provided

- the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and
- the purpose of the meeting is to provide for the continuity of operations of the School Board or the discharge of its lawful purposes, duties, and responsibilities.

If it holds a meeting pursuant to this section, the School Board

- gives public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the School Board;
- makes arrangements for public access to the meeting through electronic communications means, including videoconferencing if already used by the School Board;
- provides the public with the opportunity to comment at those meetings when public comment is customarily received; and
- otherwise complies with the provisions of the Virginia Freedom of Information Act.

For any meeting conducted pursuant to this section, the nature of the emergency, the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held are stated in the minutes of the meeting.

The provisions of this section are applicable only for the duration of the declared emergency.

Adopted: September 15, 2014

Revised: December 14, 2015; October 15, 2018; July 20, 2020; July 19, 2021;  
August 15, 2022; July 17, 2023

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3701, 2.2-3707, 2.2-3708.2, 2.2-3710.

Cross Ref.:	BCE	School Board Committees
	BCF	Advisory Committees to the School Board
	BDD	Notification of Meetings
	BDDG	Minutes

## NOTIFICATION OF SCHOOL BOARD MEETINGS

### Regular Meetings

The School Board and any committees thereof give notice of the date, time, and location of their regular meetings by posting such notice on its website, if any, placing a notice in a prominent public location at which notices are regularly posted and in the office of the clerk of the School Board at least three working days prior to the meeting. In addition, the School Board and any committees thereof publish notice of their meetings by electronic means whenever feasible. At least one copy of the proposed agenda and all agenda packets and other nonexempt materials furnished to members of the School Board and any committees thereof is made available for public inspection at the same time the documents are furnished to members of the School Board or committee.

### Special Meetings

Notice, reasonable under the circumstance, of special, emergency or continued meetings is given contemporaneously with the notice provided to members of the School Board or committee.

### Notification of Closed Meetings Held Solely for the Purpose of Interviewing Candidates for the Position of Superintendent

The notice provisions described above do not apply to closed meetings of the Board held solely for the purpose of interviewing candidates for the position of superintendent. Prior to any such closed meeting the School Board announces in an open meeting that such closed meeting will be held at a disclosed or undisclosed location within fifteen days thereafter.

### Direct Notification

Notice of all School Board meetings and committee meetings is furnished directly to any person who requests such information. Requests to be notified of all meetings should be made at least once a year in writing and include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. Unless the person making the request objects, the school division may provide electronic notice of all meetings in response to such requests.

Adopted: September 15, 2014  
Revised: May 21, 2018; April 11, 2022

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3707, 2.2-3712.

Cross Refs.:	BCE	School Board Committees
	BCEA	Disciplinary Committee
	BCF	Advisory Committees to the School Board
	BDA	Regular School Board Meetings
	BDB	Special School Board Meetings

## AGENDA PREPARATION AND DISSEMINATION

The preparation of the agenda is the responsibility of the School Board chairman with the assistance of the superintendent. Any member of the School Board may submit items for inclusion on the proposed agenda.

A copy of the proposed agenda and all agenda packets and materials is made available for inspection by the public at the same time such documents are furnished to the School Board members unless the materials are exempt under the Virginia Freedom of Information Act.

Adopted: September 15, 2014

Revised: May 21, 2018; July 18, 2022

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3707, 22.1-78.

Cross Ref.:	BDA	Regular School Board Meetings
	BDB	Special School Board Meetings
	BDDA	Notification of Meetings

## QUORUM

At any meeting of the Mecklenburg County School Board, a majority of the Board constitutes a quorum.

Adopted: September 15, 2014

Revised: July 20, 2015

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-73.



## RULES OF ORDER

The Mecklenburg County School Board establishes rules of order and may adopt bylaws, policies and regulations.

Adopted: September 15, 2014

Revised: July 20, 2015

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78.

## VOTING METHOD

Each School Board member's vote on every decision is recorded in the minutes of the meeting. The minutes of the meeting also reflect the method and result of all votes. No votes are taken by secret or written ballot.

In any case in which there is a tie vote of the School Board when all members are not present, the question shall be passed by until the next meeting when it will again be voted upon even though all members are not present. If no tie breaker has been appointed or elected as authorized by state law, any tie vote defeats the motion, resolution or issue voted upon.

Adopted: September 14, 2014

Revised: April 17, 2017; July 29, 2019; April 11, 2022

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3710, 22.1-57.3, 22.1-75.

Cross Refs.: BDD            Electronic Participation in Meetings from Remote Locations  
              BDDG            Minutes

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## MINUTES

Minutes are taken at all open meetings, approved by the School Board in regular session, signed by the clerk and chairman of the Board, and kept and stored in accordance with the provisions of the Code of Virginia.

Minutes of open School Board meetings are posted on the school division's website within seven working days of their final approval.

Draft minutes and all other records of open meetings, including audio or audio/visual records, are public records open pursuant to the Virginia Freedom of Information Act as described in Policy KBA Requests for Public Records and Regulation KBA-R Requests for Public Records.

Minutes may be taken during closed meetings of the School Board, but are not required. Such minutes are not subject to mandatory public disclosure.

Minutes are not required to be taken at deliberations of study commissions or study committees, or any other committees or subcommittees appointed by the School Board except where the membership of any such commission, committee or subcommittee includes a majority of the School Board. If minutes are required, they are posted on the school division's website within seven working days of their final approval.

Minutes are in writing and include, but are not limited to

- the date, time, and location of the meeting;
- the members of the School Board recorded as present and absent;
- a summary of the discussion on matters proposed, deliberated or decided; and
- a record of any votes taken.

Adopted: September 15, 2014

Revised: May 21, 2018; May 20, 2019; July 18, 2022

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3707, 2.2-3712, 22.1-74.

Cross Refs.: BDC Closed Meetings  
BDD Electronic Participation in School Board Meetings from Remote Locations  
KBA Requests for Public Records  
KBA-R Requests for Public Records

File: BDDH

Also (KD)

## PUBLIC PARTICIPATION AT SCHOOL BOARD MEETINGS REGULATIONS

The Mecklenburg County School Board welcomes public comment during regular meetings and during public hearings. School Board members do not respond to public comment during the meetings or hearings. School Board members are available to meet with members of the public independently, outside of scheduled meetings and hearings. In addition, the Board reviews letters and emails sent to the School Board.

**Time:** The Board may allow up to one hour for public comment following all Board Committee reports at regular meetings and public hearings, except that a motion to extend the time shall be in order and a majority vote by the School Board members present shall be necessary to carry the motion. If there are a large number of speakers, the Board may limit the total time for comment and/or may reduce the time allotted for each speaker. Each speaker may speak for up to six minutes, except that a motion to extend the time shall be in order and a majority vote by the School Board members present shall be necessary to carry the motion. A timer is used to time all remarks and speakers should conclude their remarks when the buzzer sounds. Only individuals signed up to speak will be allowed to address the School Board. Time may not be “yielded” to other speakers.

**Topics:** Speakers may address an item on a School Board agenda or may address an item not on the agenda; however, all comments should address a matter related to Mecklenburg County Public Schools. The School Board will not hear public comment that involves a complaint about an individual staff member, a personnel action, a student disciplinary matter, a complaint about an individual student, or pending litigation.

**Signing up to Speak:** Speakers who want to address any school related matter may make his/her request prior to the beginning of the School Board meeting by signing up for public comment on a sheet provided at the Board Room entrance. Speakers will be called in the order in which they sign up. Speakers may not speak more than once on a specific topic. Speakers who wish to speak on more than one topic must submit a separate request for each item.

**Addressing the Board:** Upon recognition by the Board Chairman, the speaker addressing the School Board should clearly state his/her name, address and the subject of his/her remarks. The Speaker should address the Chairman. If any School Board member desires further information at the conclusion of the Speaker’s remarks, said School Board member shall address the Speaker only with the permission of the Board Chairman. The courtesy of the School Board shall be extended to the Speaker and the Speaker shall respect the privilege extended by the School Board.

**Recognition from the Floor:** In the case where no advance request was made by the person desiring to address the School Board, recognition will be granted at a specific time during the meeting at the discretion of the School Board Chairman.

**Decorum:** The School Board expects that each speaker will be courteous, modeling for our students how one can respectfully disagree with others' views. No profanity or vulgar language is permitted. Speakers will address their comments to the entire School Board and not to one individual Board member, nor to the Superintendent, to a staff member, nor to the audience. Speakers will not engage in personal attacks. Speakers will present their comments from the podium provided for them. Any speaker who violates any one of these regulations will be ruled out of order by the Chairman and asked to relinquish the lectern.

**Written Comments:** If a speaker would like to present written comments to the School Board, eleven copies should be provided to the School Board Clerk prior to the meeting being called to order. Approved: November 10, 2014

Adopted: April 16, 2018

Moved from Regulation to Policy: June 21, 2021

## BOARD POLICY MANUAL

The School Board is guided by written policies that are readily accessible to the Board, division employees, students, parents, and citizens. All division policies are reviewed at least every five years and revised as needed.

A current copy of all division policies and regulations approved by the School Board are posted on the division's website and are available to employees and the public. Printed copies of the policies and regulations are available as needed to citizens who do not have online access. The superintendent ensures that an annual announcement is made at the beginning of the school year and, for parents of students who enroll later in the academic year, at the time of enrollment, advising the public regarding the availability of the policies and regulations.

Adopted: September 15, 2014

Revised: April 11, 2022

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Legal Ref.: Code of Virginia, 1950, as amended, §22.1-253.13:7.

Cross Ref.: BFC            Policy Adoption  
              CH            Policy Implementation

## POLICY ADOPTION

The School Board adopts policies for governing the school division. The power to enact policy cannot be delegated to an employee or agent such as the superintendent or a single member of the School Board.

Policy is a basic statement related to the conduct of the school division's business. Policies are subject to revision by the School Board.

Regulation is the manner or method of implementation of policy by the superintendent and staff. Regulations are subject to revision by the superintendent.

Policies may be developed and presented to the Board by the superintendent or the superintendent's designee. The final authority for adoption rests solely with the School Board.

When a proposed action of the School Board, initiated either by Board member or administration, affects existing School Board policies, the existing policy and regulation, if any, shall be referenced so that the effect of the new action will be clear.

Unless otherwise specified in the policy, a new or revised policy becomes effective upon adoption.

All regulations are developed by or through the superintendent. They are presented to the School Board as information items, unless the School Board informs the superintendent that it wants to act on a specified regulation.

Adopted: September 15, 2014

Revised: April 11, 2022

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:7.

Underwood v. Henry County School Board, 245 Va. 127, 427 S.E.2d 330, (1993).

Cross Refs.: BF            Board Policy Manual  
              BFE/CHD        Administration in Policy Absence  
              CH            Policy Implementation

## ADMINISTRATION IN POLICY ABSENCE

In cases where action must be taken by the school division and the School Board has provided no guidelines for administrative action, the superintendent has the power to act, but the superintendent's decisions are subject to review by the School Board at its next regular meeting. It is the duty of the superintendent to inform the School Board promptly of such action and of the need for policy.

Adopted: September 15, 2014

Revised: July 20, 2015

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.



## BOARD-STAFF COMMUNICATIONS

The MECKLENBURG COUNTY School Board supports and encourages two-way communication between the board and employees. The superintendent is the official representative of the school board in its relations and communications with its employees.

Employees are encouraged to communicate their ideas and concerns in an orderly and constructive manner to the school board and/or the superintendent or superintendent's designee.

The school board desires to develop and maintain the best possible working relationship with the employees of the school division. The school board welcomes the viewpoints of employees, and allows time at its meetings for employees to be heard.

The school board does not discriminate against any employee because of membership in an employee organization, or participation in any lawful activities of the organization.

Adopted: September 15, 2014

Revised: May 20, 2019

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-253.13:7.

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## SCHOOL BOARD MEMBER IN-SERVICE ACTIVITIES

Members of Mecklenburg County School Board participate annually in high-quality professional development activities at the state, local, or national levels on governance, including personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use of data in planning and decision-making; and current issues in education as part of their service on the Board.

Each elected board member completes a training session on the Virginia Freedom of Information Act (FOIA) provided by the Virginia Freedom of Information Advisory Council or the Board's attorney within two months of assuming office and thereafter at least once every two calendar years.

Each board member completes a training session for local elected officials on the State and Local Government Conflict of Interests Act (COIA) provided by the Virginia Conflict of Interest and Ethics Advisory Council (the Ethics Council) within two months of assuming office and thereafter at least once every two calendar years.

The school board clerk maintains records of the dates on which each school board member completed the required FOIA and COIA training sessions. The records are maintained in the clerk's office for five years.

Adopted: September 15, 2014

Revised: April 11, 2022; July 17, 2023

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3132, 2.2-3704.3, 22.1-78, 22.1-253.13:5.

Cross Ref.: BBFA Conflict of Interests and Disclosure of Economic Interests  
BCC School Board Clerk

## SCHOOL BOARD MEMBER COMPENSATION AND BENEFITS

Each member of the MECKLENBURG COUNTY School Board receives an annual salary as provided by law.

Actual expenses incident to performance of official duties by a school board member may be reimbursed on presentation of an expense voucher with receipts attached. Compensation is paid for mileage incurred for attendance at meetings of the school board and in conducting other official business of the school board.

School board members may participate in the division's group insurance plan.

Adopted: September 15, 2014

Revised: May 20, 2019

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 15.2-1414.1 et seq., 22.1-32, 22.1-55, 22.1-78, 22.1-85.

Cross Ref.: BHE            School Board Member Liability Insurance

## SCHOOL BOARD MEMBER LIABILITY INSURANCE

The MECKLENBURG COUNTY School Board provides liability insurance, or self-insurance, for its members while performing functions or services for the school division to cover the costs and expenses incident to liability, including those for settlement, suit or satisfaction of judgment, arising from their conduct in discharging their duties or in performing functions or services for the school division.

Adopted: September 15, 2014

Revised: May 20, 2019

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Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-84.

Cross Refs.: BHD Board Member Compensation and Benefits  
EI Insurance Management

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