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# **BOARD GOVERNANCE AND OPERATIONS**

## **1.1— (MH) LEGAL STATUS OF THE BOARD OF DIRECTORS**

By the authority of Article 14 of the Arkansas Constitution, the General Assembly has provided that locally elected school boards will be responsible for the lawful operation and maintenance of its local schools.

While the Board has a broad range of powers and duties, its individual members only have authority when exercising their responsibilities in a legally convened meeting acting as a whole. The sole exception is when an individual member has been delegated authority to represent the Board for a specific, defined purpose. In matters such as personnel discipline, expulsions, and student suspensions initiated by the superintendent, the Board serves as a finder of fact, not unlike a jury. For this reason, the board should not be involved in or, to the extent practicable, informed of the facts or allegations of such matters prior to a board hearing or those disciplinary matters in which the Board could become involved.

It is the policy of the Mountain Home School Board that its actions will be taken with due regard for its legal responsibilities and in the belief that its actions shall be in the best interests of its students and the District as a whole.

The district's policies and procedures shall at all times be compatible with the statues of the State of Arkansas and the United State of America. Where any conflict should occur, the specific policy or procedure shall stand corrected so as to fully comply with the statue, and such correction shall not thereby invalidate any other portion of the district's policies and procedures not in conflict.

Legal Reference:       A.C.A. § 6-13-620

Date Adopted: June 27, 2006

Last Revised: May 14, 2009

## **1.2 (MH) BOARD ORGANIZATION**

### **A. SCHOOL ELECTION**

The school election for selection of Board members and other school matters decided by the people shall be held in the district the third Tuesday of each September, starting in 1988.

A special election may be called by the county board. At such election shall be submitted to the electors in the school district.

### **B. BOARD MEMBER ELECTION / TERM OF OFFICE**

Number of Board Members - The Board shall be composed of seven members.

Board Member Qualifications - To be eligible to be a member of the Board of Education, a person must be a bona fide resident and a qualified elector of the school district he/she serves.

Board Member Term of Office - Board members shall be elected at each annual school election for a term of four years. Members shall serve until their successors are elected and qualified. Election of members to fulfill a vacancy shall also be held at this time as necessary. The election is held the third Tuesday in September.

Board Member Method of Election - Board of Education shall be elected by non-partisan vote at the school election. Candidates for the office shall be placed on the ballot upon presentation of a petition signed by at least 20 qualified, registered voters who are residents of the district.

Resignation of Members - A Board member may tender his/her resignation for health or other reasons by placing his/her wish to resign in writing to the President of the Board or to the entire Board membership. The written resignation will be read at the next regular meeting and acted upon as part of the regular Board business.

Board Member Unexpired Term Fulfillment - The Board of Education, by a majority vote, shall fill a vacancy (within 30 days) that occurs on the Board; however, the appointment shall only be until the next annual school election, at which time a member shall be elected for the remainder of the term vacated.

Date Adopted: June 27, 2006

Last Revised: June 27, 2006

### **1.3—DUTIES OF THE PRESIDENT**

The duties of the president of the Board of Education shall include, but shall not be limited to:

1. Presiding at all meetings of the Board;
2. Calling special meetings of the Board;
3. Working with the Superintendent to develop Board meeting agendas;
4. Signing all official documents that require the signature of the chief officer of the Board of Education;
5. Appointing all committees of the Board and serving as ex-officio member of such committees; and
6. Performing such other duties as may be prescribed by law or action of the Board.

The president shall have the same right as other members to offer resolutions, make or second motions, discuss questions, and to vote.

Legal Reference:       A.C.A. § 6-13-619 (a) (1)

Date Adopted: June 27, 2006

Last Revised: June 27, 2006

## **1.4—DUTIES OF THE VICE-PRESIDENT**

The duties of the Vice President of the Board shall include:

1. Serving as presiding officer at all school board meetings from which the president is absent; and
2. Performing such other duties as may be prescribed by action of the Board.

Date Adopted: June 27, 2006

Last Revised: June 27, 2006

## **1.5—DUTIES OF THE SECRETARY**

The duties of the Secretary of the Board shall include:

1. Being responsible to see that a full and accurate record of the proceedings of the Board are kept;
2. Serving as presiding officer in the absence of the President and the Vice President;
3. Being responsible for official correspondence of the Board;
4. Signing all official documents that require the signature of the Secretary of the Board of Education;
5. Calling special meetings of the Board; and
6. Performing such other duties as may be prescribed by the Board.

Legal Reference:       A.C.A. § 6-13-619 (a) (1)

Date Adopted: June 27, 2006

Last Revised: June 27, 2006

## **1.6—BOARD MEMBER VOTING**

All Board members, including the President, shall vote on each motion, following a second and discussion of that motion.

In order for a Board member to abstain from voting, he must declare a conflict and remove himself from the meeting room during the vote.

Failure of any Board member to vote, while physically present in the meeting room, shall be counted as a “no” vote, i.e., a vote against the motion.

Legal Reference:       A.C.A. § 6-13-619 (c) (1)(B) & (C)

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Last Revised: June 27, 2006

## 1.7 — (MH) POWERS AND DUTIES OF THE BOARD

The Mountain Home Board of Education, operating in accordance with State and Federal laws, assumes its responsibilities for the operation of Mountain Home Public Schools. The board shall concern itself primarily with the broad questions of policy as it exercises its legislative and judicial duties. The administrative functions of the District are delegated to the Superintendent who shall be responsible for the effective administration and supervision of the District.

Some of the duties of the Board include:

1. Developing and adopting policies to effect the vision of the District;
2. Understanding and abiding by the proper role of the Board of Directors;
3. Electing and employing a Superintendent and giving him/her the support needed to be able to effectively implement the Board's policies;
4. Conducting formal and informal evaluations of the Superintendent as deemed necessary and appropriate;
5. Employing, upon recommendation of the administrative staff and by written contract, the staff necessary for the proper conduct of the schools;
6. Seeing that all subjects for study prescribed by the State Board or by law for all grades of schools are taught;
7. Preparing and publishing the district's budget for the ensuing year;
8. Being responsible for the maintenance of the District's buildings, grounds, and property;
9. Setting an annual salary schedule;
10. Being fiscally responsible to the district's patrons and maintaining the millage rate necessary to support the district's budget;
11. Involving the members of the community in the district's decisions to the fullest extent practicable; and
12. Striving to assure that all students are challenged and are given an equal educational opportunity.
13. The Board retains full legislative and judicial authority over the school in accordance with the school laws and the State Board of Education, but delegates all executive, supervisory, and instructional authority and operation to its professional staff members under the direction of the Superintendent. Thus, the day-to-day operation of the school is the responsibility of the Superintendent and his staff.

14. The Board of Education shall avoid taking a direct hand in the administration of the school district, thereby keeping the role and function of its executive officer clear to members of the community and the professional staff.
15. All official communication to and from the Board will be channeled through the Superintendent of schools. The Superintendent or his designee is authorized to approve all news releases and news conferences for the Board or school district.
16. Members are expected to attend regular and special Board meetings.
17. The Superintendent should be notified in advance if a Board member is unable to attend a meeting.
18. Members should attend committee meetings if needed and school functions whenever possible.
19. Any member of the board who misses three (3) regular and consecutive board meetings during a school year for any reason other than military service of the member or illness of the member verified by a written sworn statement of the member's attending physician may be removed from office by a majority vote of the remaining board members, but only after an opportunity for a hearing before the board upon fifteen (15) days notice received by personal delivery or by certified mail return receipt signed by addressee only requested.
20. Members should visit classrooms frequently, but no less than annually, in the schools in their district while children are present, see to the welfare of the pupils, encourage them in their studies, and assist the teachers in the work so far as they can.

#### A. BOARD/SUPERINTENDENT WORKING RELATIONSHIP

1. The Board will select a Superintendent to head the school system and to be directly responsible to the Board. The Board will vest in him the necessary authority and provide him with appropriate personnel to carry out such administration.
2. It is the function of the Superintendent to serve the Board as technical advisor in planning and policy making, as an executive in seeing that legislation enacted is put into operation, and as a consultant in the process of evaluating the results of the educational effort.
3. The Board will endeavor to give counsel and advice to the Superintendent regarding the administration of the schools when necessary or expedient, remembering that Board members, as individuals have no authority.
4. The Board will accept recommendations from the Superintendent and will not take action on any matter without receiving and considering the

Superintendent's recommendations. However, the Board reserves the right to reflect such recommendations and request additional information or new recommendations or alternatives for consideration.

## B. BOARD EXPECTATIONS

1. The Board expects conscientious execution of all its policies objectively and without bias. This is to give every Board policy a chance of success rather than just those policies with which the Superintendent is in agreement.
2. When a situation arises which is not covered by Board policy, the Board depends upon the discretion of the Superintendent in deciding if the nature of the matter requires a policy decision by the Board or if it is a matter to be executed by the Superintendent under existing policies.
3. The Board expects full information from the Superintendent regarding all aspects of the school program. Such information is to cover all-important issues controversial and non-controversial, and is to be presented in an objective and unbiased manner. When action is warranted by the information, the Superintendent is to supply recommendations relative to possible alternatives. The Board further expects that the Superintendent will give it ample time to study all items on which action is needed.
4. The Board expects the Superintendent to support it fully to the public and to defend its decision even though they may be contrary to his recommendations. The Superintendent is to share the responsibility for unfavorable as well as favorable results. This sense of loyalty is essential for a smoothly functioning unit.
5. The Board expects the Superintendent to abide by the Code of Ethics for School Administrators.
6. The Board expects the Superintendent to conduct all official business with the Board as a whole and not with portions of the Board or with individual members. The Board derives its only legal authority as a whole and must perform its duties as a team and only in duly constituted meetings. (This paragraph does not preclude the Superintendent from seeking the advice and input of the Board President or individual members as circumstances may from time to time require.)
7. The Board may require the Superintendent to submit periodic reports to keep it advised. The Superintendent shall be honest and frank in those reports. Matters requiring Board action must be presented by the Superintendent to the Board and not just too individual members.

8. The Superintendent will attend all Board meetings and all committee meetings unless he is absent by mutual agreement.

### C. SUPERINTENDENT EXPECTATIONS

- 1) The Superintendent can expect the Board to establish and live by a complete set of sound, written policies covering all phases of Board operation. Within the limitations of these policies, it is the function of the Superintendent to administer the schools.
- 2) The Superintendent can expect full support from the Board as long as he is in their employ. He can expect protection against unfair demands and excessive or unwarranted criticisms. Differences or disagreements are a matter of private information and are resolved in an atmosphere of honesty and sincerity.
- 3) The Superintendent can expect the Board to dispense with official business only at duly constituted meetings and only after both the Superintendent and Board have had adequate time to study all topics.
- 4) The Superintendent can also expect the Board to operate as a unit or team rather than as factions or individuals.
- 5) In matters concerning personnel, the Superintendent can expect the Board to deal with all school employees through him as the executive officer of the school system.
- 6) The Superintendent can expect the Board to abide by the Code of Ethics for School Board Members and to carry out their duties as outlined in 1.7.
- 7) The Superintendent has a right to be so advised when the Board is displeased with his work and to have an opportunity to make such needed improvement. He has the further right to be so advised when his work is pleasing to the Board. Periodic appraisals are deemed necessary to give the Superintendent a sense of desired direction in the performance of his duties. Such appraisals are not to dictate how the work is to be done, but rather to provide evaluatory feedback on results of the work.
- 8) The Board shall abide by all provisions contained in the contract employing the Superintendent. In the event of conflict between the contract and past practices or board policy, the contract provisions shall supersede.

### D. CONFLICT OF INTEREST

1. School Board members should at all times be in compliance with, “An Act to Set Forth Ethical Guidelines and Prohibitions for Educational Administrators, Employees and Board members”, and all rules and regulations promulgated for its enactment.
2. School Board members should at all times be in compliance with, “An Act to Restrict School Districts from Employing Relatives of Board Members, and for other purposes,” and all rules and regulations promulgated for its enactment.

#### E. ETHICS AND CODE OF CONDUCT FOR BOARD MEMBERS

As a member of my local Board of Education, representing all the citizens of my school district, I recognize:

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

In view of the foregoing consideration, it shall be my constant endeavor to:

- (a) Devote time, thought, and study to the duties and responsibilities of a School Board member so that I may render effective and creditable service.
- (b) Work with my fellow Board members in a spirit of harmony and cooperation in spite of differences of opinions that arise during vigorous debate of points at issue.
- (c) Base my personal decision upon all available facts in each situation; to vote my honest conviction in every case, unswayed by partisan bias of any kind; thereafter, to abide by and uphold the final majority decision of the Board.
- (d) Remember at all times that as an individual I have no legal authority outside the meetings of the Board, and to conduct my relationships with the school staff, and local citizenry, and all media of communication on the basis of this fact.
- (e) Resist every temptation and outside pressure to use my position as a School Board member to benefit either myself or any other individual or agency apart from the total interest of the school district.
- (f) Recognize that it is as important for the Board to understand and evaluate the educational program of the schools, as it is to plan for the business of school operation.
- (g) Keep in mind under all circumstances that the primary function of the Board is to establish the policies by which the schools are to be administered, but that the administration of the educational program and the conduct of school business shall be left to the employed Superintendent of Schools and his professional and classified staff.
- (h) Welcome and encourage active cooperation by citizens, organizations, and the media of communication in the district with respect to establishing policy on current school operations and proposed future developments.
- (i) Support my State and National School Boards Associations.
- (j) Strive toward ideal conditions for the most effective School Board service to my community, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and perpetuation of our representative democracy.

SOURCE: Board of Directors, National School Boards Association

Date Adopted: June 27, 2006

Last Revised: June 27, 2006

## **1.8—GOVERNANCE BY POLICY**

The Mountain Home School District shall operate within the guidelines of the written policies adopted by the Board of Directors. Those policies shall be within the legal frameworks of the State and Federal Constitutions, and appropriate statutes, regulations, and court decisions.

When necessitated by unforeseen circumstances, the Superintendent shall have the power to decide and take appropriate action for an area not covered by a policy of the Board. The Superintendent shall inform the members of the Board of such action. The Board shall then consider whether it is necessary to formulate and adopt a policy to cover such circumstances.

The official copy of the policy manual for the District shall be kept in the Superintendent's office. Copies of the manual within the District shall be kept current, but if a discrepancy occurs between manuals, the Superintendent's version shall be regarded as authoritative.

Administrative regulations shall be formulated to implement the intentions of the policies of the Board. Regulations may be highly specific. The Board shall review administrative regulations prior to their implementation.

Date Adopted: June 27, 2006

Last Revised: June 27, 2006

## **1.9—POLICY FORMULATION**

The Board affirms through its policies and its policy adoption process, its belief that: (1) the schools belong to the people who create them by consent and support them by taxation; (2) the schools are only as strong as an informed citizenry and knowledgeable school staff allow them to be; (3) the support is based on knowledge of, understanding about, and participation in the efforts of its public schools. The following shall be the guidelines for policy adoption for the Mountain Home School District.

### **General Policies**

Policies which are not personnel policies may be recommended by the Board or any member of the Board; by the Superintendent, Assistant Superintendent, any other administrator or employee of the District; committee appointed by the Board; or by any member of the public. Policies adopted by the Board shall be within the legal framework of the State and Federal Constitutions, and appropriate statutes, regulations, and court decisions.

When reviewing a proposed policy (non-personnel), the Board may elect to adopt, amend, refer back to the person proposing the policy for further consideration, take it under advisement, reject it, or refuse to consider such proposal.

### **Certified and Non-Certified Personnel Policies**

Personnel policies (including employee salary schedules) shall be created, amended, or deleted in accordance with State law:

#### **(1) Board Proposals:**

The Board may propose a personnel policy by a majority vote. Such policies may be presented to the Board by a Board member or the Superintendent. The Board may choose to adopt the proposal, as a proposal only, by majority vote.

Following the adoption of a proposed personnel policy, the proposal must be presented to the appropriate Personnel Policy Committee. Such presentation should be done in writing, to all members of the Committee.

When the Personnel Policies Committee has been presented the proposal for a minimum of ten (10) working days (i.e., ten weekdays, not including weekends or state or national holidays), the Board may vote to adopt the proposal as a policy.

#### **(2) Personnel Policies Committee Proposals:**

Either Personnel Policies Committee may recommend changes in personnel policies to the Board. When making such a proposal the Chairman of the Personnel Policies Committee, or the Chairman's designee, may make an oral presentation to the Board.

The Board may vote on the proposal at the same meeting at which the proposal is made, or, in any case, no later than the next regular Board meeting. In voting on a proposal from the Personnel Policies Committee, the Board may:

- (a) Adopt the proposal;
- (b) Reject the proposal; or
- (c) Refer the proposal back to the Personnel Policies Committee for further study and revision.

Effective date of policy changes:

All personnel policy changes enacted during one fiscal year will become effective on the first day of the following fiscal year, July 1.

For a policy change to be made effective prior to July 1 of the following fiscal year, a vote must be taken of all certified personnel or all non-certified personnel, as appropriate, with the vote conducted by the appropriate Personnel Policies Committee. If, by a majority vote, the affected personnel approve, the policy becomes effective as of the date of the vote, unless otherwise specified by the Board in requesting such vote. No staff vote taken prior to final board action will be considered effective to make a policy change.

All other policy changes may become effective upon the Board's approval of the change, unless the Board specifies a different date.

Legal References:       A.C.A. § 6-17-204, 205

Date Adopted: June 27, 2006

Last Revised: June 27, 2006

## **1.10—ASSOCIATION MEMBERSHIPS**

The Board shall be a member of the Arkansas School Boards Association and may be a member of the National School Boards Association and other organizations which, in the opinion of the Board, will be beneficial to the Board in carrying out its duties more effectively.

Legal Reference:       A.C.A. § 6-13-107

Date Adopted: June 27, 2006

Last Revised: June 27, 2006

## **1.11—BOARD MEMBER TRAINING**

Board members who have served on the board for twelve (12) or more consecutive months are required to obtain a minimum of six (6) hours of training by December 31 of each calendar year. Effective with the 2006 school election, board members who are elected to serve an initial or non-continuous term shall obtain a minimum of nine (9) hours of training by December 31 of the year following their election and six (6) hours of training by December 31 of each calendar year thereafter. Hours obtained in excess of the required minimums may be carried forward through December 31 of the third calendar year following the year in which the hours were earned. No hours attained prior to January 1, 2006, may be counted as meeting the statutory training requirement, nor may they be carried forward.

The training shall be focused on topics relevant to school laws, school operations, and the powers, duties, and responsibilities of the members of the board of directors. The responsibilities include, but are not limited to legal requirements, financial management, improving student achievement, and the duties and responsibilities of the various levels of employees within the district as well as those of the board of directors.

The district is responsible for maintaining a record of the hours of training received by each board member. Board members shall make a concerted effort to submit documentation of training they have received to the superintendent or his/her designee. In the absence of such documentation, the district shall attempt to obtain records of training received from training providers.

Such training may be obtained from an institution of higher learning, from instruction provided by the Arkansas Department of Education, or from the Arkansas School Board Association, or from other providers approved by the Arkansas Department of Education.

A statement regarding the number of hours of training received each preceding calendar year shall be:

- Part of the district's comprehensive school plan and goals;
- Published in the same way as other components of the comprehensive plan and goals are required to be published;
- Part of the annual school performance report required to be submitted to, and published by the Arkansas Department of Education.

Board members shall be reimbursed, from school funds, for expenses relating to such training [and Board members shall be paid a per diem stipend for days necessary to attend such training with the amount of such stipend to be determined by the Board in July of each year].

Legal References:       A.C.A. § 6-13-629  
                              [ADE Rule Governing Required Training for School Board Members](#)

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Last Revised: June 27, 2006

## 1.12— (MH) COMMITTEES

From time to time, in order to obtain and/or encourage public participation in the operation of the District, the Board may appoint committees, which may include members of the public, students, parents, and school employees, as well as members of the Board.

Any committee, which includes among its members a member of the School Board, shall operate according to the requirements of the Arkansas Freedom of Information Act.\*

### Board Committees

1. Special or temporary committees of the Board may be appointed by the President or solicited by the superintendent for any purpose approved by the Board. The functions of such committees shall ordinarily be fact finding, deliberative, and for discussion and action.
2. The President of the Board and the Superintendent shall be ex-officio members of all committees. Special committees shall be discharged upon completion of their assignment.

\* Legal Reference: A.C.A. § 25-19-106

Date Adopted: June 27, 2006

Last Revised: June 27, 2006

## **1.13— (MH) SUPERINTENDENT/ BOARD RELATIONSHIP**

The Board's primary responsibility is to develop, working collaboratively with the community, a vision and mission for the District. The Board formulates and adopts policies to achieve that vision and elects a Superintendent to implement its policies. The Board and the Superintendent and the relationship between them set the tone for the district to follow. The relationship is enhanced when both parties understand their roles and carry them out in an ethical and professional manner working to develop a relationship of mutual trust and respect.

The Superintendent and staff are responsible for administering the Board's policies and will be held responsible for the effective administration and supervision of the District. The Superintendent is authorized to develop and implement administrative regulations to fulfill the Board's policies, provided such regulations are consistent with the intent of the Board's policies.

While a Board member may usually not be denied the right to make any comment he wishes, a prudent and effective approach would be to direct any communication about the school's management to the Superintendent in private, well before a meeting. This approach allows the Superintendent to ascertain the facts and re-communicate with the Board member. Then the Board member and/or Superintendent may wish to bring the item before the Board as a whole for discussion and/or solution. Or they may mutually agree the matter is not significant or has been satisfactorily settled.

Surprising the Superintendent at a Board meeting with a problem item is an ineffective procedure for solving problems. To bring an item before the Board about which the Superintendent is unaware can cause:

1. Fallacious information to be believed by those who are unaware of the subsequent developments that often prove the initial information to be erroneous.
2. Embarrassment of the Superintendent or Board member that may lead to negative relations.
3. Resentment on the part of the second level administrator toward whose area the comment was directed because he has no way to respond effectively.
4. The Board to act based on partial information or information gained from one side of the question that may later prove false and the Board action will then have to be reversed.

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Last Revised: June 27, 2006

## 1.14— (MH) MEETING AGENDA

The agenda guides the proceedings of the Board meeting. The Superintendent shall prepare the agenda with consultation from the Board President. Items may be placed on the agenda upon request by any Board member or by members of the community. Community members must submit their agenda item requests, in writing to the Superintendent, at least 5 business days prior to the meeting of the Board. The written request must be sufficiently descriptive to enable the Superintendent and Board President to fully understand and evaluate its appropriateness to be an agenda item. Such requests may be accepted, rejected, or referred back to the individual for further clarification.

The Superintendent shall be responsible for Board members receiving copies of the Agenda with all accompanying pertinent information at least 3 days prior to the meeting.

All meetings of the Board shall be open to the public.

### Annual or Organizational Meeting

1. The Board shall hold its organizational meeting at the first regular meeting after the annual school election.
2. At this meeting, Board officers are elected and other appointments may be made.
3. The agenda may be prepared similar to the following, but expanded to include regular Board meeting business:
  1. Call to Order
  2. Approval of Agenda
  3. Approval of Minutes (insert date)
  4. Adjourn sine die
  5. Appoint Pro-Tem officers
  6. Call to order
  7. Elect president, vice president, and secretary
  8. Establish regular meeting date, time, and place
  9. Appointments
  10. Adjournment

### Regular Meeting

1. The regular Board meeting will be monthly during the school term at the time and place as decided by the Board at its annual organizational meeting.
2. Unless otherwise designated, the regular meeting of the Board will be at 6:00 p.m. on the third Thursday of each month.

## Adjourned Meeting

Any legal meeting of the Board may be adjourned to a specific time and place. Only those items on the agenda of the meeting adjourned may be acted upon at the adjourned meeting. Those items may include miscellaneous items as listed on the original agenda.

## Quorum

A quorum for the transaction of business will consist of the majority of the members of the Board.

## Executive Session

Within any of the above-mentioned meetings, an executive session may be held to consider personnel, provided that such session is properly a part of the agenda.

## Rules of Order and Parliamentary Procedure

### Voting Method

- a. All votes on motions in connection with contracts, expenditures of funds, or employment of personnel and all resolutions shall be "Yes" and "No". The vote shall be recorded.
- b. A member who is present and does not vote is counted as abstaining. An abstaining vote is counted as a "No" vote.
- c. Motions are carried by a simply majority of the votes cast.
- d. In case of a tie vote, the motion does not carry.

### Discussions

- a. Only Board members and the Superintendent will participate in discussions unless one is recognized by the Board President or unless one is asked a specific question by the Superintendent or a Board member.
- b. The President shall stop any discussion that does not apply to the motion last made or is not germane to the matter under discussion. The President shall also stop discussion that exceeds a time limit previously established.

### Board Policy Procedure

Established Board Policy and Procedure shall be followed at all meetings.

## Roberts' Rules of Order

In case of an issue or point of order not covered by Board Policy and Procedure contained herein or properly amended, Roberts' Rules of Order shall be followed.

### Board Meeting and Agenda Procedure

1. The Superintendent will be responsible for the preparation of the agenda.
2. The Superintendent and Board President will confer as desired or needed concerning the agenda and Board meeting preparation.
3. Suggestions for the agenda from Board members and all others should be turned in to the central administrative office as early as possible but at least five business days before the regular Board meeting date. However, the agenda may be amended at the pleasure of the Board prior to the approval of the original agenda.
4. Board meeting notice, agenda, and other related material will be sent to Board members three to six days prior to the Board meeting except in extenuating circumstances.
5. The first item on the agenda will be the approval of the agenda. After the Board has approved the agenda, no discussion or action shall be taken by the Board except on the subjects covered by the approved agenda.
6. Board meetings should be conducted in a friendly, businesslike, expedient, and efficient manner. Meetings should not be long and drawn out.
7. The Board shall not take action on any matter until after the Superintendent has had an opportunity to review or study it and prepare a report and recommendation on the matter for the Board, unless an exception is made due to an emergency situation.

### Minutes

1. The Board speaks officially and legally only through or as reflected in its minutes.
2. Records of all transactions of the Board shall be set forth in full in the official minutes of the Board. The minutes shall be kept on file in the district office as the permanent official records of school legislation of the district.

Duplicated copies of the minutes shall be prepared within one month after each meeting and shall be distributed to members of the Board. Lengthy items such as salary lists or copies of other reports previously presented to the members and included in the minutes may be excluded.

The official minutes of the Board may not be removed from the building where they rightfully belong, except upon authorization of the Superintendent.

Financial records, which become a part of the official audit, may not be removed from the building where they rightfully belong, except for review or official audit, and then only upon authorization of the Superintendent.

#### Citizen Participation

Residents of the district are encouraged and invited to become better acquainted with the operation of the schools and it is the stated desire of the Board to hear the wishes and ideas of the public.

In order to assure that procedures necessary for the effective school operation are followed and to assure that the Board and administration have necessary time to prepare for the assurance of effective outcomes, the Board will establish and follow a procedure best suited to allow citizen input and to facilitate effective disposition of citizen input.

#### Written Communication to the Board

All written communications, such as petitions, statements, requests, or letters should be sent to the Superintendent. Copies of the communication may then be made and single copies may be distributed by the Superintendent to Board members for study, consideration or action.

#### Request to Address the Board

The following procedures shall apply to all requests made by anyone wishing to approach the Board. (These procedures apply to faculty, staff, and students of the district, as well as patrons and citizens.)

1. Prior to approaching the Board, the individual or group shall confer with the proper school official directly responsible for the area to be discussed.
2. Prior to approaching the Board, the individual or group shall confer with the Superintendent.
3. The request to appear before the Board must be made in writing to the Superintendent and received by the Superintendent five business days before the day of the Board meeting. (At his discretion, the Superintendent may accept verbal notification with written notification to follow.) Included in the written request must be a statement and explanation or summary of the topic desired to be brought before the Board.
4. An exception to the preceding Item 3:

In extenuating circumstances, with permission of the President at the Board meeting, an individual or group may be permitted to address the Board at the proper place designated for visitors on the agenda. In such a case, the proper form will be filled out prior to addressing the Board.

In all cases, persons requesting and authorized to address the Board shall be limited to five minutes or a longer time allotment if extended by the President or Board.

5. The Board President, assisted by the Superintendent, shall be responsible for directing the discussion and questioning. The President shall stop any discussion that is not pertinent or germane.
6. No decision will be made until the Superintendent has studied the matter and prepared a recommendation for the Board, unless an exception is made due to an emergency situation. The Board may postpone a decision to allow more time for thought and study.

Date Adopted: June 27, 2006

Last Revised: May 14, 2009

## **1.15—TORT IMMUNITY**

The District, as well as its agents, officers, employees, and volunteers are immune from liability for negligence, pursuant to A.C.A. § 21-9-301. When allegations of negligence are raised, whether in litigation or not, the statutory grant of immunity will be asserted.

[The School Board retains the right to settle claims for negligence, as authorized by A.C.A. § 21-9-301, but it shall do so only in the most extraordinary circumstances. If any claim is settled, the District and the School Board specifically do not waive immunity above the amount of the settlement, nor is that immunity waived for any other claim, at any time, regardless of whether it is similar in nature.]

Date Adopted: June 27, 2006

Last Revised: June 27, 2006

## **1.16 — (MH) DUTIES OF BOARD DISBURSING OFFICER**

Superintendent/Ex-Officio Financial Secretary

- a. The Superintendent, as Ex-Officio Financial Secretary of the Board, shall be the disbursing officer of the district and shall sign or authorize the signing of warrants, orders of payment, and other financial documents.
- b. The Superintendent or his designee is hereby appointed to receive bids, petitions, documents, and to perform similar duties, some of which may later be ratified by the Board Secretary or Board.

The disbursing officer, along with the superintendent, shall be responsible for signing, manually or by facsimile, all warrants and checks other than those issued for food service and activity funds.<sup>2</sup>

Legal Reference:       A.C.A. § 6-13-618(c)

Date Adopted: June 27, 2006

Last Revised: June 27, 2006

## **1.17—NEPOTISM**

### **DEFINITIONS:**

Family or family member means:

- a. An individual's spouse;
- b. Children or grandchildren of the individual or children or grandchildren of the individual's spouse;
- c. The spouse of a child of the individual or the spouse of a child of the individual's spouse;
- d. Parents of the individual or parents of the individual's spouse;
- e. Brothers and sisters of the individual or brothers and sisters of the individual's spouse;
- f. Anyone living or residing in the same residence or household with the individual or in the same residence or household with the individual's spouse; or
- g. Anyone acting or serving as an agent of the individual or acting or serving as an agent of the individual's spouse.

Initially employed means:

- A. Employed in either an interim or permanent position for the first time or following a severance in employment with the school district;
- B. A change in the terms and conditions of an existing contract, excluding:
  - I. Renewal of a teacher contract under A.C.A. § 6-17-1506;
  - II. Renewal of a non-certified employee's contract that is required by law; or
  - III. Movement of an employee on the salary schedule which does not require board action.

### **NEW HIRE OF SCHOOL BOARD MEMBER'S RELATIVE AS SCHOOL EMPLOYEE**

The district shall not initially employ a present board member's family member for compensation in excess of \$5,000 unless the district has received approval from the Commissioner of the Department of Education. The employment of a present board member's family member shall only be made in unusual and limited circumstances. The authority to make the determination of what qualifies as "unusual and limited circumstances" rests with the Commissioner of the Department of Education whose approval is required before the employment contract is effective, valid, or enforceable.

Initial employment for a sum of less than \$5,000 per employment contract or, in the absence of an employment contract, calendar year does not come under the purview of this policy and is permitted.

The board member whose family member is proposed for an employment contract, regardless of the dollar amount of the contract, shall leave the meeting until the voting on the issue is concluded and the absent member shall not be counted as having voted.

### **EXCEPTION: SUBSTITUTES**

Qualified family members of board members may be employed by the district as substitute teachers, substitute cafeteria workers, or substitute bus drivers for a period of time not to exceed thirty (30) days per fiscal year.

A family member of a school board member having worked as a substitute for the district in the past does not “grandfather” the substitute. The 30 day maximum limit is applied in all cases.

**EXISTING EMPLOYEES WHO ARE FAMILY MEMBERS OF SCHOOL BOARD MEMBERS—RAISES, PROMOTIONS OR CHANGES IN COMPENSATION**

Any change in the terms or conditions of an employment contract including length of contract, a promotion, or a change in the employment status of a present board member’s family member that would result in an increase in compensation of more than \$2,500, and that is not part of a state mandated salary increase for the employee in question, must be approved by the Commissioner of the Department of Education before such changes in the employment status is effective, valid, or enforceable.

**QUALIFICATIONS FOR RUNNING FOR SCHOOL BOARD MEMBER UNCHANGED**

The employment status of a citizen’s family member does not affect that citizen’s ability to run for, and, if elected, serve the school board provided he/she meets all other statutory eligibility requirements.

Legal Reference:       A.C.A. § 6-24-102, 105

Date Adopted: June 27, 2006

Last Revised: June 27, 2006