

NOTE: Footnotes are for reference only. They should be eliminated from an individual board's policy.

BOARD OPERATIONS

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The Vance County Board of Education (the “board”) recognizes the trust and accountability it owes citizens, staff, parents and students in the manner in which it transacts the business of the school system. The board strives to conduct itself in accordance with the following operational goals:

1. acting in accordance with the code of ethics, as provided in policy 2120, Code of Ethics for School Board Members;
2. maintaining effective board/superintendent relations;
3. operating cost effectively and efficiently;
4. conducting business openly;
5. meeting requirements and duties for the board as established in board policy or law; and
6. making decisions with the board's goals, objectives and other principles as the guiding focus.

The board will endeavor to evaluate on a periodic basis its efforts to follow these operational goals. The board may use outside consultants, including the North Carolina School Boards Association, to assist the board in its self-evaluation.

Legal References: G.S. 115C-36

Cross References: Board Authority and Duties (policy 1010), Board and Superintendent Relations (policy 2010), Code of Ethics for School Board Members (policy 2120)

Adopted:

Replaces: Board policy BA, Board Operational Goals

The Vance County Board of Education (the “board”) recognizes the importance of an effective working relationship between the board and superintendent. The board further recognizes the distinct and separate areas of responsibility of the board and superintendent to the school system. The superintendent is responsible for the administration of the system of schools consistent with the board's policies.

To maintain a cohesive relationship between the board and the school system, the superintendent shall serve as secretary of the board and assist all board committees. The superintendent shall keep the board informed of the operation of the system. The superintendent shall make recommendations to the board as required by law and board policy and as otherwise determined appropriate by the superintendent. The superintendent also shall assist the board in making sound decisions and meeting the requirements of law by providing information and advice regarding all matters that require board action.

Legal References: G.S. 115C-36, -47, -276

Cross References: Board Authority and Duties (policy 1010), Duties of Officers (policy 2210)

Adopted:

Replaces: Board policy BCD, Board-Superintendent Relationship

The Vance County Board of Education (the “board”) is a body corporate with authority and duties as set forth in board policy 1010, Board Authority and Duties. Members of the board have authority only when acting as a board legally in session. The board will not be bound in any way by any statement or action on the part of an individual member, except when such action is at the specific instruction of the board.

Legal References: G.S. 115C-40, -41

Cross References: Board Authority and Duties (policy 1010)

Adopted:

Replaces: Board policy BB, School Board Legal Status

A. QUALIFICATIONS

Any person possessing the qualifications for election to public office as provided in Article VI, Section 6 of the Constitution of North Carolina and who is a qualified voter and resident of the election district from which he or she seeks to be elected is eligible to serve as a member of the Vance County Board of Education (the "board").

Any person elected or appointed to the board and also employed by the board must resign his or her employment before taking office as a member of the board.

B. MEMBERSHIP AND TERMS OF OFFICE

The board of education will consist of seven members elected on a partisan basis as provided in Chapter 115C, Chapter 163, and the 1989 Session Laws, Chapter 95. The results of such election shall be determined in accordance with G.S. 163-293.

The board of education will consist of seven— -members.— shall be elected from seven single-member districts as set forth in 1989 Session Laws, Chapter 95. Candidates shall be voted on by the voters residing in the district from which they seek election. One seat is apportioned to each district in the county. No person shall be eligible to file for, be elected to, or serve on the board unless he/she is a qualified voter and resident of the district from which such person seeks to be elected.

All terms will be for four years with the terms staggered so that as nearly equal to one-half as possible will expire every two years. Local legislation set forth in 1989 Session Laws, Chapter 95 provides that in 1990 and quadrennially thereafter, members of the board shall be elected from Districts 1,2,6, and 7 for four-year terms. In 1992 and quadrennially thereafter, members of the board shall be elected from Districts 3, 4, and 5 for four-year terms.

~~All elections are nonpartisan and are to be held at the time of the November general election in even-numbered years.~~

C. OATH OF OFFICE

Before taking office, newly elected board members will take and sign the following oath or affirmation at the board meeting held in on the first Monday in December following their election:

"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent

therewith, and that I will faithfully discharge my duties as a member of the Vance _____County_____ Board of Education, so help me God [omit phrase if affirming].”

If a board member enters on the duties of his or her office before taking, subscribing, and filing the oath of office, he or she will be ejected from office.

Legal References: N.C. Const. art. VI, §§ 6 and 7; G.S. 14-229; 115C-35, -37; 163-293; 1967 Session Laws 262 and 1989 Session Laws, Chapter 95

Cross References:

Adopted:

Replaces: Board policies BBB School Board Elections, BBBA, Board Member Qualifications, BBBC, Number, and BBBD Term of Office

All vacancies in the membership of the Vance County Board of Education caused by death, resignation or otherwise ~~shall will~~ be filled according to G.S. 115C-37.1 ~~by a person appointed by the remaining members of the board to serve until the next election of board members, at which time the remaining unexpired term will be filled by election.~~

§ 115C-37.1 Vacancies in offices of county boards elected on partisan basis in certain counties.

(a) All vacancies in the membership of county boards of education which are elected by public or local act on a partisan basis shall be filled by appointment of the person, board, or commission specified in the act, except that if the act specifies that appointment shall be made by a party executive committee, then the appointment shall be made instead by the remaining members of the board.

(b) If the vacating member was elected as the nominee of a political party, then the person, board, or commission required to fill the vacancy shall consult with the county executive committee of that party and appoint the person recommended by that party executive committee, if the party executive committee makes a recommendation within 30 days of the occurrence of the vacancy.

(c) Whenever only the qualified voters of less than the entire county were eligible to vote for the member whose seat is vacant (either because the county administrative unit was less than countywide or only residents of certain areas of the administrative unit could vote in the general election for a district seat), the appointing authority must accept the recommendation only if the county executive committee restricted voting to committee members who represent precincts all or part of which were within the territory of the vacating school board member.

(d) (Effective December 5, 2016) This section shall apply only in the following counties: Alleghany, Brunswick, Graham, Guilford, Harnett, Lee, New Hanover, Vance, and Washington. (1981, c. 763, ss. 4, 14; c. 830; 1983, c. 493, s. 1; 1987 (Reg. Sess., 1988), c. 974, s. 5; 1989, c. 497, s. 3; 2009-277, ss. 1, 2; 2013-220, s. 2; 2013-361, s. 2; 2014-6, s. 5(b).)

Legal References: G.S. 115C-37.1~~(f)~~

Cross References:

Adopted:

Replaces: Board policy BBE, Unexpired Term Fulfillment

A person who has been impeached from any office or adjudged guilty of a felony, corruption or malpractice in any office and who has not been restored to the rights of citizenship is disqualified for office.

A member of the Vance County Board of Education who changes residence such that he or she is no longer entitled to vote in an election for the office he or she holds is disqualified from continuing to hold the office.

A board member who becomes disqualified for office may be subject to removal under G.S. 1-515.

In addition, as provided by G.S. 14-230, a board member who willfully and corruptly omits, neglects or refuses to discharge any of the duties of office or who willfully and corruptly violates the oath of office is subject to removal from office by a court.

Legal References: N.C. Const. art. VI; G.S. 1-514 to -532; 14-228 to -234.1

Cross References:

Adopted:

CODE OF ETHICS FOR SCHOOL BOARD MEMBERS

Policy Code:

2120

The Vance County Board of Education (the “board”) recognizes that, collectively and individually, all members of the board must adhere to a code of ethics as required by G.S. 160A-86 and G.S. 115C-47(57).

A. BOARD MEMBER ETHICAL REQUIREMENTS

The following standards will guide each board member in the performance of his or her official duties:

1. the need to obey all applicable state and federal laws regarding official actions taken as a board member;
2. the need to uphold the integrity and independence of the board member’s office;
3. the need to avoid impropriety in the exercise of the board’s and board member’s official duties;
4. the need to perform faithfully the duties of the office; and
5. the need to conduct the affairs of the board in an open and public manner, complying with all applicable laws governing open meetings and public records.

B. SPECIFIC BOARD MEMBER COMMITMENTS

In order to implement the above standards, each member of the board commits to do the following:

1. attend all regularly scheduled board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;
2. endeavor to make policy decisions while always keeping in mind the objective of providing students the opportunity to receive a sound basic education and only after full discussion at publicly held board meetings;
3. render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups;
4. model civility to students, employees, and all elements of the community by encouraging the free expression of opinion by all board members and engaging in respectful dialogue with fellow board members on matters being considered by the board;

5. respect the confidentiality of information that is privileged under applicable law and refrain from unauthorized disclosure of matters discussed in closed session;
6. work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the superintendent;
7. communicate to other board members and the superintendent expressions of public reaction to board policies and school programs;
8. learn about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the state and national school boards associations;
9. comply with North Carolina General Statute 115C-50 by earning the required 12 hours of training every two years;
10. comply with G.S. 160A-87 by earning two hours of ethics education within 12 months of election or appointment to the board;
11. support the employment of those persons best qualified to serve as school employees and avoid allowing personal relationships and biases to influence decision making;
12. refrain from investigating or attempting to resolve complaints received personally, but instead direct the complainant to follow the board's complaint or grievance process to resolve concerns;
13. avoid being placed in a position of conflict of interest and refrain from using the board member's position on the board for personal or partisan gain;
14. take no private action that will compromise the board or administration; and
15. remember always that a board member's first and greatest concern must be the educational welfare of the students attending the public schools.

All newly elected board members are expected to sign a code of ethics statement that includes these provisions at the organizational meeting of the board.

Legal References: G.S. 115C-36, -47(1), -47(57), -50; 160A-86, -87; *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Member Opportunities for Development (policy 2123)

Adopted:

Replaces: Board policy BBF, School Board Member Ethics

NORTH CAROLINA SCHOOL BOARDS ASSOCIATION

CODE OF ETHICS FOR BOARD MEMBERS

As a member of my local board of education, I will strive to improve public education, and to that end I will:

- attend all regularly scheduled board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;
- endeavor to make policy decisions only after full discussion at publicly held board meetings;
- render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups;
- model civility to students, employees and all elements of the community by encouraging the free expression of opinion by all board members and engaging in respectful dialogue with fellow board members on matters being considered by the board;
- respect the confidentiality of information that is privileged under applicable law and refrain from unauthorized disclosure of matters discussed in closed session;
- work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the superintendent;
- communicate to other board members and the superintendent expressions of public reaction to board policies and school programs;
- learn about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the state and national school boards associations;
- comply with North Carolina General Statute 115C-50 by earning annually the required 12 hours of training;
- comply with G.S. 160A-87 by earning two hours of ethics education within 12 months of election or appointment to the board;
- support the employment of those persons best qualified to serve as school employees and avoid allowing personal relationships and biases to influence decision making;
- refrain from investigating or attempting to resolve complaints received personally, but instead direct the complainant to follow the board's complaint or grievance process to resolve concerns;
- avoid being placed in a position of conflict of interest and refrain from using the board member's position on the board for personal or partisan gain;
- take no private action that will compromise the board or administration; and
- remember always that a board member's first and greatest concern must be the educational welfare of the students attending the public schools.

Board Member Signature



Date

All Vance County Board of Education (the “board”) members are subject to the criminal laws related to conflicts of interest in public office, including strict restrictions against having a pecuniary interest in any business of the board. In addition, board members will not let any personal or business interest interfere with their duties as public officials, including ethical duties as specified in policy 2120, Code of Ethics for School Board Members.

A member of the board will not do any of the following:

1. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to G.S. 14-234 or other law;
2. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board when the board member will obtain a direct benefit from the contract;
3. solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract;
4. accept a gift or favor from any person or group desiring to do or doing business with the school system, unless such gifts are instructional products or advertising items of nominal value that are widely distributed; or
5. solicit or accept any gifts from any potential provider of E-rate services or products in violation of federal gifting rules.

A board member is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. A board member is involved in making a contract if he or she participates in the development of the specifications or terms of the contract or participates in the preparation or award of the contract.

A board member derives a direct benefit from a contract if the board member or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the board of education and the spouse of a board member. However, the board member involved will not deliberate or vote on the spouse’s employment contract or attempt to influence any other person who is involved in making or administering the contract.

Legal References: G.S. 14-234, -234.1; 133-32; 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175

Cross References: Code of Ethics for School Board Members (policy 2120), Employee Conflict of Interest (policy 7730)

Adopted:

Replaces: Board policy BBFA, Board Member Conflict of Interest

**ROLE OF BOARD
MEMBERS IN HANDLING COMPLAINTS**

Policy Code: **2122**

An individual board member of the Vance County Board of Education (the “board”) who receives a complaint or inquiry from a parent or interested citizen concerning a school matter will refer the complainant to the appropriate school administrator and, when appropriate, advise the complainant of the procedures in place for making such complaints.

The board member also may refer the complainant to the superintendent, who shall determine an appropriate means of responding to the complaint. The board attorney also may be notified of the complaint in accordance with policy 2610, Board Attorney.

Individual board members will refrain from taking individual action with regard to such complaints other than referring them to the proper administrative employee.

Legal References: G.S. 115C-36

Cross References: Responding to Complaints (policy 1742/5060), Board Attorney (policy 2610)

Adopted:

BOARD MEMBER OPPORTUNITIES FOR DEVELOPMENT

Policy Code: **2123**

Board members are encouraged to participate in school board development activities designed for them. New board members will have the opportunity and will be encouraged to attend orientation programs for new board members sponsored by the state and national school boards associations. It is the responsibility of the board to provide new board members with a thorough orientation to board policies, practices, and duties.

Each board member must fulfill the legal requirement to receive a minimum of 12 hours of training every two years.

All board members must receive a minimum of two hours of ethics education within 12 months after initial election or appointment to office and again within 12 months after each subsequent election or appointment to office. This education must address the laws and principles that govern conflicts of interest and ethical standards for local government officials. The superintendent shall maintain records verifying that each board member has participated in the required ethics education. The ethics education required under this paragraph may be counted towards the 12-hour training requirement.

Unless otherwise approved by the board, such training must be provided by the following entities: the school system, the North Carolina School Boards Association, the National School Boards Association, the School of Government, or the Department of Public Instruction. If a board member wishes to receive training credit or be reimbursed for attending training offered by another entity, he or she must obtain approval from the board.

Funds for participation will be budgeted annually, and reimbursement for expenses will be made in accordance with law and applicable board policy.

Legal References: G.S. 115C-50; 160A-86, -87

Cross References: Code of Ethics for School Board Members (policy 2120)

Adopted:

Employees and **board** members of the Vance County Board of Education (the “board”) have an absolute duty to maintain the confidentiality of records as required by law. Employees and board members, by the nature of their positions, are exposed to confidential information that should not be repeated or discussed except with those recognized by law as having a right to the information. Any employee or board member who is not sure whether particular information may be protected by state or federal confidentiality laws should seek clarification from his or her immediate supervisor or the **executive director** for human resources (for employees) or from the superintendent or board attorney (for board members). When violations occur, appropriate disciplinary action will be taken.

It is a criminal violation for an employee or board member to do either of the following:

- knowingly, willfully and with malice permit any unauthorized person to have access to information contained in a personnel file, or
- knowingly and willfully examine, remove or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 115C-47(18), -321, -402

Cross References: Communicable Diseases – Students (policy 4230), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release and Disposition (policy 5070/7350), Personnel Files (policy 7820)

Adopted:

BOARD MEMBER COMPENSATION AND EXPENSES

Policy Code: **2130**

A. COMPENSATION

Vance County Board of Education (the “board”) members will be compensated for the performance of official school system business. The amount of compensation will be established according to applicable laws.

B. REIMBURSEMENT

Board members will be reimbursed for out-of-pocket expenses incurred in the performance of their duties. Board members should submit requests for reimbursement, along with documentation of the expenses, within 30 days of incurring the expenses. The board member incurring the expense must sign the reimbursement request, and the board chairperson will approve such requests provided the expenses are reasonable and appropriately documented. Requests for reimbursement submitted by the chairperson will be approved by the superintendent.

Legal References: G.S. 115C-38; 153A-92

Cross References:

Adopted:

| [Replaces: Board policy BHD, Board Member Compensation and Expenses](#)

Membership on the Vance County Board of Education (the “board”) requires knowledge and understanding of many types of information. Under the guidance of experienced board members and the superintendent, orientation will be provided to new board members through activities such as:

1. Workshops for new board members conducted by state and national school boards associations;
2. Discussion and visits with the superintendent and other members of the school system administration and staff;
3. Provision of printed and/or audiovisual materials on board policies and administration procedures; and
4. Attendance board and administration conferences and conventions on a local, state, and national basis.

The board or superintendent may consider and recommend other activities and training that may be beneficial to new board members.

Legal References: G.S. 115C-47

Cross References:

Adopted:

Replaces: Board policy BHA, New Board Member Orientation

ELECTION OF OFFICERS/ ORGANIZATION OF BOARD

Policy Code:

2200

The Vance County Board of Education (the “board”) will elect a chairperson and a vice-chairperson to serve for a term of one year or until his or her successor is elected and qualified by taking the oath of office prescribed in Article VI, Sec. 7 of the North Carolina Constitution (see policy 2110, Board Member Elections). An organizational meeting for the election and qualification of officers will be held at the regularly scheduled December meeting of the board and as often thereafter as the board determines appropriate. The officers will be elected in the following order: chairperson, vice-chairperson.

If the chairperson or vice-chairperson resigns from office, the position will be filled at the next regular meeting of the board. The individual elected must have the majority vote of all members present.

If necessary at any meeting held to elect officers, the superintendent will serve as chairperson of the board for the purpose of conducting the election of the chairperson.

Legal References: G.S. 115C-37(d), -41

Cross References: Board Member Elections (policy 2110)

Adopted:

Replaces: Board policies BCA, Board Organizational Meeting and BCBA, Election of Officers

The designated officers of the Vance County Board of Education (the “board”) will be the chairperson, vice-chairperson, chairperson pro tempore and secretary.

The officers of the board will perform all duties and exercise the authority imposed or conferred upon them by the statutes of the State of North Carolina and by the State Board of Education.

A. DUTIES OF THE CHAIRPERSON

1. The chairperson has the following duties:

- a. preside at all meetings of the board;
- b. preserve order at all times;
- c. appoint committee members and chairpersons;
- d. serve as ex-officio member of all committees;
- e. call special meetings; and
- f. sign official system documents.

The chairperson will perform all duties required of the office by law and execute all documents on behalf of the board.

2. In order to address the board, a member must be recognized by the chairperson. The chairperson has the following powers:

- a. to rule motions in or out of order, including the right to rule out of order any motions patently offered for obstructive or dilatory purposes;
- b. to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks;
- c. to entertain and rule on questions of parliamentary procedure;
- d. to call a brief recess at any time; and
- e. to adjourn in an emergency.

3. The chairperson will have a vote on all matters for which a motion is made and will serve as spokesperson of the board for communicating the board's position to the public.

B. DUTIES OF THE VICE-CHAIRPERSON

In the absence of the chairperson, the vice-chairperson of the board will assume all the rights and responsibilities of the chairperson and will perform other duties assigned by the chairperson.

C. DUTIES OF THE CHAIRPERSON PRO TEMPORE

In the absence of both the chairperson and vice-chairperson, the board may elect a chairperson pro tempore for that meeting only, and the appointment of such temporary officer will be noted in the minutes. While so serving, a chairperson pro tempore performs the regular duties of the chairperson.

D. DUTIES OF THE BOARD SECRETARY

The superintendent shall serve as ex-officio secretary to the board. The superintendent shall keep the minutes of the meetings of the board but shall have no vote. In the event of a vacancy in the superintendency, or if the superintendent is excluded for a closed session, the board may elect one of its members to serve temporarily as secretary to the board.

As secretary to the board, the superintendent shall:

1. record all proceedings of the board;
2. issue all notices and orders that may be made by the board;
3. ensure that the minutes of the meetings of the board are promptly and accurately recorded in the minutes book, which must be kept in the office of the superintendent and be open to public inspection during regular business hours;
4. manage all correspondence on behalf of the board, unless the board directs otherwise;
5. prepare and distribute copies of the agenda as required by law and board policy;
6. maintain board members' manuals of policies and administrative regulations in current status;
7. advise the board of policies previously adopted that affect items on the agenda requiring policy consideration;
8. in the absence of the chairperson and vice-chairperson, call the board meeting to order and conduct the election of a chairperson pro tempore; and

9. perform other duties as required by state law or board policy.

Legal References: G.S. 115C-41(a), -276(b)

Cross References:

Adopted:

Replaces: Board policy BCBB, Duties of Officers, policy BCBBA, Duties of The Chairman, policy BCBBB, Duties of the Vice Chairman, and policy BCBBC, Duties of Board Secretary

The official spokespersons of the school system will be the chairperson of the Vance County Board of Education (the "board") or designee and the superintendent and designees. Any person speaking in an official capacity shall conduct his or her assignment from the standpoint of the best interests of the board, the school system and the community, not as a representative of his or her own personal ideas or feelings.

Legal References: G.S. 115C-36, -276

Cross References: Board Authority and Duties (policy 1010), Code of Ethics for School Board Members (policy 2120)

Adopted:

A. STANDING COMMITTEES

The Vance County Board of Education (the “board”) will organize standing committees for the purpose of conducting thorough deliberations and investigations of issues and informing and recommending action to the board as appropriate.

Standing committees of the board are: Committees are Personnel, Finance, Policy, Curriculum, Building and Grounds, Community and Business Relations.

The chairperson of each standing committee and the members of that committee will be named by the chairperson of the board on an annual basis. The assignment of individual board members to these committees will be published each year.

The committee chairperson will preside at all committee meetings and be responsible for reporting to the board on the activities of the committee. The committee chairperson will call meetings and establish an agenda for each committee meeting that includes any item suggested by the superintendent, committee member or board member.

The board chairperson will be an ex-officio member of each committee. The superintendent or designee shall assist the chairperson of each standing committee in the preparation of the agenda and in ensuring that information is available to the committee during its deliberation of issues.

A standing committee may only make recommendations to the board and has no authority to act on behalf of the board unless specifically authorized by law, board policy or the board.

B. AD HOC COMMITTEES

As time and situations demand, ad hoc committees may be appointed by the chairperson with the approval of the board. Ad hoc committees have no final authority and are subordinate and advisory to the board.

C. OPEN MEETINGS LAW

All committees of the board are public bodies within the meaning of the North Carolina Open Meetings Law and are subject to all requirements of that law pertaining to notice, closed sessions, minutes, voting and penalties (see policy 2320, Compliance with the Open Meetings Law).

Legal References: G.S. 115C-36; 143-318.9 *et seq.*

Cross References: Compliance with the Open Meetings Law (policy 2320), Closed Sessions (policy 2321)

Adopted:

Replaces: Board policy BCE, Board Committees, and BCF, Advisory Committees

The Vance County Board of Education (the “board”), as a corporate body, may transact business only at official meetings of the board. An individual board member has no authority to act absent the delegation of authority by the board at an official meeting.

As defined by law, an official meeting of the board includes any meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of the open meetings law.

A. TYPES OF MEETINGS

While the board is determined to operate efficiently, it also is mindful of the importance of thoughtful planning and discussion prior to taking formal action. Regular meetings will be held at a predetermined time and place to conduct the business of the board. In addition, the board may hold specially-called meetings and emergency meetings as it deems necessary to act in a timely manner and provide its members and executive staff with the opportunity to have an exchange of ideas and receive input from other staff, parents, students, and the community.

B. REGULAR MEETINGS

Unless notification is made to the contrary, the board will hold regular monthly meetings in the Vance County Schools Administrative Services Center Board Room, 1724 Graham Avenue.

The board will hold one regular monthly meeting in the evening of the second Monday of every month. When a regular meeting falls on a legal holiday observed by the schools, the board will reschedule the meeting for the earliest convenient time. A schedule of regular meetings, including the time and place of each meeting shall be adopted annually by the board during its first regular meeting in the month of December. The superintendent shall keep on file the schedule of regular meetings with the predetermined time and place. The schedule will be revised only in accordance with legal requirements for notice. The superintendent shall publish and announce the revised schedule to the public a minimum of seven calendar days before the day of the first meeting held pursuant to the revised schedule.

C. EMERGENCY MEETINGS

An emergency meeting may be called in order to address generally unexpected circumstances that require immediate consideration by the board. The chairperson, or the vice-chairperson, if the chairperson is unable or unwilling to act, or superintendent shall call an emergency meeting when it is determined that the meeting is necessary.

D. SPECIALLY-CALLED MEETINGS

1. Specially-Called Meetings Generally

Specially-called meetings may be scheduled in between regular meetings of the board. Work sessions, retreats, and public hearings are specific types of specially-called meetings. The board chairperson (or the vice-chairperson, if the chairperson is not available) or the superintendent may call special meetings when necessary to conduct business that cannot reasonably be handled at regular meetings. The board chairperson or superintendent shall call a special meeting if a majority of the members of the board so requests.

2. Retreats and Workshops

Retreats and workshops are specially-called meetings that may be scheduled in order to give the board more time to deliberate or evaluate issues.

3. Public Hearings

Public hearings are official proceedings during which members of the public are given an opportunity to be heard. Public hearings may be required by law or deemed advisable by the board. Public hearings that are not required by law may be scheduled when the chairperson or superintendent determines that the public hearing is advisable or when a majority of the members of the board so requests. Notice of all public hearings will be provided as required by law and will include the subject, date, place, and time of the hearing as well as any rules regarding participation, such as the length of time for each speaker. The purpose of a public hearing is to gather information and hear opinions from the community. Generally, board members will respond only to seek clarification. At the appointed time, the chairperson or designee shall call the hearing to order and preside over it in accordance with any rules regarding participation adopted by the board. When the allotted time expires or when no one wishes to speak, the chairperson or designee shall declare the hearing ended.

E. RECESS OR ADJOURNMENT

If the board is unable to complete its work during a regular, special or emergency meeting for which proper notice was given, the meeting may be recessed or adjourned upon majority vote of the board members present. If the time and place at which the meeting is to be continued is announced in open session, no further notice is required. However, if the board votes to recess a regular, special or emergency meeting and resume

business at a later date for which the time and place in not announced in open session, any subsequent continuation of the meeting must be held in compliance with the notice requirements of the open meetings law.

E.F. OPEN MEETINGS LAW COMPLIANCE

The board will comply with the open meetings law, including notice of meetings.

Legal References: G.S. 115C-41, 143-318.9, -318.10, -318.12, -318.14

Cross References: Compliance with the Open Meetings Law (policy 2320)

Adopted:

Replaces: Board policy BD, School Board Meetings, policy BDG, Public Hearings, policy BDA, Regular Board Meetings, policy BDAA, Meetings-Time and Place, policy BDB, Special Board Meetings, policy BDD, Board Meeting Procedures (Advance Information), policy BDDA, Notification of Board Meetings, and policy BDF, Adjourned or Recessed Board Meetings

REMOTE PARTICIPATION IN BOARD MEETINGS

Policy Code:

2302

The Vance County Board of Education (the “board”) acknowledges that attendance at board meetings is essential for its members to perform their official duties and to add to the diversity of thought and opinion in the board’s deliberations. The board strongly encourages its members to be physically present for all board meetings. The board recognizes, however, that extenuating circumstances may occasionally prevent a member from being physically present at a meeting. It further recognizes that advances in technology, such as audio and video conferencing, have made it possible for members to communicate and deliberate with each other from remote locations. Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by the Open Meetings Law, G.S. 143-318.9 *et seq.*, the board authorizes remote participation in board meetings subject to the following procedures and requirements.

A. AUTHORIZED CIRCUMSTANCES FOR REMOTE PARTICIPATION

1. The board authorizes remote participation consistent with the requirements of this policy in any meeting of the board that is not a hearing as described in policy 2500, Hearings Before the Board, or other quasi-judicial proceeding.
2. A member may attend a meeting and participate in board deliberations and decisions by remote participation if the member is prevented from physically attending the meeting due to:
 - a. personal illness or disability;
 - b. out-of-town travel;
 - c. unexpected lack of child-care;
 - d. family member illness or emergency;
 - e. weather conditions;
 - f. military service;
 - g. employment obligations; or
 - h. a scheduling conflict.

Remote participation is not to be used solely for a board member’s convenience or to avoid attending a particular meeting in person.

3. Acceptable means of remote participation include telephone-, Internet-, or satellite-enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email, and web chat without audio are not acceptable means of remote participation.
4. No board member may participate remotely more than three times during a calendar year; however, in justifiable circumstances, the board may, by two-thirds vote, agree to waive this limitation.

B. CONDITIONS AND REQUIREMENTS FOR REMOTE PARTICIPATION

1. A board member participating in a meeting remotely shall use his or her best efforts to participate in all or as much of the meeting as circumstances permit and not merely for the closed session portion of the meeting or a limited number of agenda items.
2. A board member participating remotely will be considered present at the meeting for purposes of establishing a meeting quorum and will be entitled to participate in open session deliberations at the meeting if:
 - a. the member is able to hear other members of the board and any members of the public present at the meeting who are recognized by the board during public comment;
 - b. all persons present at the meeting location are able to hear the board member who is participating remotely; and
 - c. when video technology is used, the remote participant is visible to all persons present at the meeting location.
3. A board member may participate remotely in a closed session of the board provided the member provides assurance to the board that no other person is able to hear, see, or otherwise participate in the closed session from the remote location.
4. A board member considered present through remote participation will be permitted to vote on any action item at the meeting except:
 - a. any item for which the member was not participating remotely during the entire discussion and deliberation of the matter preceding the vote; and
 - b. any item that was being discussed when an interruption to the electronic communication occurred, if the board's discussion was not suspended during the interruption. A brief loss of simultaneous communication, such

as a few seconds, will not disqualify the member from voting on the matter under discussion.

C. PROCEDURE FOR REMOTE PARTICIPATION

1. A member of the board who desires to participate in a meeting remotely shall notify the board chair and the superintendent at least four hours in advance of the meeting so that necessary arrangements can be made.
2. The chair or designee at the meeting location shall initiate contact with the member prior to the start of the meeting to secure participation.
3. The chair shall announce the remote participant and the means of remote participation at the beginning of the meeting.
4. The meeting chair may decide how to address technical difficulties that arise when utilizing remote participation, but whenever possible, the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If, however, the technical difficulties distract from or impede the orderly progress of the meeting, a majority of the members physically present may vote to end the remote participation.
5. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.
6. All votes taken will be by voice vote.
7. Participation by electronic communication will be noted in the official board minutes. Any interruption to or discontinuation of the member's participation will also be noted in the minutes.
8. Any costs associated with remote participation other than normal telephone or Internet connection shall be borne by the remote participant.

The superintendent is directed to provide the technology sufficient to implement this policy in accordance with all applicable laws.

Legal References: G.S. ch. 143, art. 33C

Cross References: Board Meetings (policy 2300), Compliance with the Open Meetings Law (policy 2320), Closed Sessions (policy 2321), Board Meeting News Coverage (policy 2325), Quorum (policy 2341), Hearings Before the Board (policy 2500)

Adopted:

PUBLIC PARTICIPATION AT BOARD MEETINGS

Policy Code:

2310

Vance County Board of Education (the “board”) meetings are conducted for the purpose of carrying on the official business of the school system. The public is cordially invited to attend board meetings to observe the board as it conducts its official business.

The board of education, as an elected representative body of the school system, also wishes to provide a forum for citizens to express interests and concerns related to the school system. In order that the board may conduct an orderly meeting while providing an opportunity for input, individuals or groups may be heard by the board in accordance with this policy or subsection D.2 of policy 2300, Board Meetings, which addresses public hearings.

A. REQUESTS TO PLACE ITEM ON THE AGENDA

In order that the board may fairly and adequately discharge its overall responsibility, citizens desiring an item to be placed on the agenda for a specific board meeting should direct written requests to the superintendent at least six working days prior to the meeting.

The request should include: (1) the name and address of the person or persons making the request; (2) the organization or group, if any, represented; and (3) a brief explanation of the nature of the item. Questions and/or materials to be presented to the board are to be submitted along with the request. Additional items may be added to the agenda by the board on a two-thirds vote of the board members.

The superintendent shall confer with the chairperson of the board concerning whether to approve placing the requested item on the agenda and to determine the appropriate meeting for such discussion. The superintendent, with the consent of the board chairperson, shall accept or deny a request for inclusion on the agenda for any reason determined appropriate by the superintendent and chairperson.

The superintendent shall notify the requesting party of the response to the request. If the request is denied, the superintendent shall explain any other processes available for addressing the concerns. (See Section C, Reports of Complaints, below.) Upon request immediately before or during the meeting, the board may, by majority vote and notwithstanding prior denial by the superintendent, consent to hear the party’s presentation by adding it to the agenda before the agenda is adopted. After the agenda has been adopted, a two-thirds vote is required to add the item to the agenda.

The chairperson shall establish the amount of time for individual or group presentations.

B. PUBLIC COMMENT

Each month, a part of at least one regularly scheduled board meeting will be set aside for citizens to address the board through public comment. ~~formal notification must be given to the superintendent or Board Chairman by noon one working day prior to the date of the meeting. A sign-up sheet will be available for any individual or group to indicate their desire to address the board. The chairperson will decide the amount of time devoted to public comments.~~ The superintendent shall develop additional procedures to ensure that public comment sessions proceed in an efficient and orderly manner.

Board members will not respond to individuals who address the board except to request clarification of points made by the presenter.

Except in cases of emergency, information received during presentations will not be acted upon at the time it is received. It will take unanimous vote of the board members present to take action on a presentation considered to be of an unusual or emergency nature at the time it is presented.

Disruptions by any person or persons of a public meeting will be subject to action in accordance with G.S. 143-318.17.

If the board does not hold a regular meeting during a month, the board will not provide a time for public comment at any other meeting held during that month, unless a majority of the board votes to allow public comment at the meeting or unless the purpose of the meeting is a public hearing.

C. REPORTS OF COMPLAINTS

Complaints about the performance of school personnel, implementation of board policy, the quality of the educational program, or school facilities should be submitted initially for a response to the school system official responsible for the program or facility or to the superintendent. The superintendent or designee shall make available this policy and other relevant grievance procedures to any individual or group submitting a complaint.

Legal References: G.S. 143-318.10 and -318.17; 115C-36, -51

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Role of Board Members in Handling Complaints (policy 2122), Board Meetings (policy 2300), Board Meeting Agenda (policy 2330)

Adopted:

[Replaces: Board policy BDDH \(also policy KD\), Public Participation at Board Meetings](#)

The Vance County Board of Education (the “board”) affirms the public policy of this State that hearings, deliberations, and actions of public bodies be conducted openly.

A. APPLICABILITY

All “public bodies” holding official meetings must comply with the requirements of the open meetings law in Article 33C of Chapter 143 of the General Statutes. The term “public bodies” includes the board, any committees of the board, school improvement teams, and, as defined by law, any other committee of two or more members that exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function, unless the committee or group is solely comprised of professional staff.

B. COMPLIANCE

As secretary to the board, the superintendent shall provide required notice and record and maintain minutes, in written form or in the form of audio or audiovisual recording, of all official meetings of the board, board committees, or committees appointed by the board. The principal or designee shall be responsible for compliance with the open meetings law by school improvement teams or any other public bodies at the school level. The superintendent or designee shall make copies of the open meetings law available to any public bodies associated with the school system. The board and other public bodies of the school system are encouraged to consult the school board attorney in accordance with policy 2610, Board Attorney, to obtain advice on complying with the legal requirements of the open meetings law.

1. Notice

Notice will be given in accordance with law for all regularly scheduled meetings, emergency meetings, and any other meetings, such as public hearings, work sessions, electronic meetings, or retreats.

2. Minutes

For all official meetings, whether held in open or closed session, minutes will be recorded and maintained in accordance with all legal requirements. For meetings, or portions thereof, in which minutes are kept via audio or audiovisual recording, the minutes will be deemed approved when the superintendent has reviewed the recording for accuracy and completeness and has posted the recording to the school system website. The minutes of the board shall contain an abstract of relevant discussions and the decisions of the board during all official meetings. The minutes of the board meetings shall be presented for approval as soon as possible at a succeeding regular board meeting before becoming official public

documents. Each member shall be sent a copy of the minutes of each meeting on Wednesday prior to the meeting at which they are to be approved. The approved minutes shall be signed by the superintendent and the Chairman and filed in the superintendent's office as a permanent record of official board proceedings. Minutes of board meetings are public documents, and thus are open to inspection by the public on the dates and hours that the superintendent's office is open for business.

A record of all motions made and seconded shall be recorded in the minutes and the disposition of each motion shall be noted. The names of the members making and seconding the motion shall be recorded. In case of a split vote the name and number of members voting for or against the motion shall be recorded.

3. Closed Sessions

Closed sessions will be held only when required to permit the board to act in the public interest and as permitted by law. A motion to go into closed session must be made and adopted in open session in accordance with the requirements of G.S. 143-318.11(c) and policy 2321, Closed Sessions.

Legal References: G.S. 143-318.9, -318.10, -318.11, -318.12

Cross References: Closed Sessions (policy 2321), Board Attorney (policy 2610)

Adopted:

Replaces: Board policy BDDA, Notification of Board Meetings (in part), and policy BDDG, Minutes

Closed sessions will be held only when required to permit the Vance County Board of Education (the “board”) to act in the public interest as provided by law.

A. PERMITTED PURPOSES

By majority vote of its members present, the board and other groups subject to the state open meetings law and board policy 2320, Compliance with the Open Meetings Law, may hold or retire to a closed session as permitted by law for the deliberation of the following:

1. to prevent the disclosure of information that is privileged or confidential pursuant to the law of this state or of the United States, or that is not considered a public record within the meaning of Chapter 132 of the General Statutes;
2. to prevent the premature disclosure of an honorary degree, scholarship, prize, or similar awards;
3. to consult with an attorney employed or retained by the board in order to preserve the attorney-client privilege between the attorney and the board, including discussions on the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure;
4. to discuss matters relating to the location or expansion of industries or other businesses in the area served by the board;
5. to establish, or to instruct the board’s staff or negotiating agents concerning the position to be taken by or on behalf of the board in negotiating (a) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (b) the amount of compensation and other material terms of an employment contract or proposed employment contract;
6. to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual employed or considered for employment with the school system; or to hear or investigate a complaint, charge, or grievance by or against any individual employee;
7. to plan, conduct, or hear reports concerning investigations of alleged criminal misconduct;
8. to formulate plans relating to emergency responses to incidents of school violence or to formulate and adopt the school safety components of school improvement

plans by the board or a school improvement team; and

9. to discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

B. ACTIONS THAT MUST BE REPORTED OR TAKEN IN OPEN SESSION

While deliberations may occur in closed session, the following board actions must be taken or reported in open session:

1. if the board has approved or considered a settlement in closed session, the terms of that settlement will be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded. The report should be made in open session unless there is a basis for the report to be heard only in closed session; and
2. final action making an appointment or discharge or removal by the board having final authority for the appointment or discharge or removal.

C. REASONS EXPRESSLY PROHIBITED FOR CLOSED SESSIONS

The following are expressly prohibited by law as a basis for closed sessions:

1. to discuss general policy matters or other issues that would be open merely because an attorney employed or retained by the board is a participant; and
2. to consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the board or another body, or to consider or fill a vacancy among its own membership.

D. PROCEDURE

The board of education will meet in closed session only upon a motion duly made and adopted in public pursuant to G.S. 143-318.11(c). Every motion will cite one or more of the permissible purposes as provided in G.S. 143-318.11(a) and in this board policy. A motion based on the need to prevent the disclosure of information that is confidential or privileged will also cite or name the law that renders the information confidential or privileged. A motion based on the need to consult with an attorney employed by the board regarding the handling or settlement of a lawsuit will identify the parties in the lawsuit.

E. MINUTES

The board will keep minutes of all closed sessions. The minutes of the board must

include a general account of the closed sessions so that a person not in attendance will have a reasonable understanding of what transpired.

Legal References: G.S. 115C-105.27(c1); ch.143, art. 33C

Cross References: Board Committees (policy 2230), Compliance with the Open Meetings Law (policy 2320), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Adopted:

Replaces: Board policy BDC, Executive Sessions

All meetings of the Vance County Board of Education (the “board”), except closed sessions, will be open to representatives of the news media. Mechanical devices may be used during meetings to record, broadcast or photograph board meetings if they do not interfere with the ability of the board to conduct its business.

The placement and use of any equipment necessary to broadcast, film or record a meeting may be regulated by the board to prevent undue interference with the meeting, but not in such a way as to frustrate the coverage of the meeting.

If a meeting room is too small to accommodate all of the personnel and equipment necessary to broadcast, film or record a meeting, the board may require equipment to be pooled. If the news media request an alternate meeting place in order to facilitate news coverage and the board grants the request, the news media making the request are responsible for paying any additional costs that may be involved in securing an alternate site. The board must act in good faith in carrying out these provisions.

If the board holds a meeting by conference telephone call or similar means, it will provide some means for members of the public to listen to the meeting. Notice of an electronic meeting must specify how public access will be provided. The board may charge each listener a fee of up to \$25.00 to defray the costs.

Legal References: G.S. 143-318.11, -318.13, -318.14

Cross References: News Media Relations (policy 5040)

Adopted:

[Replaces: Board policy BDDI, News Media Service at Board Meetings \(in part\)](#)

The chairperson and the superintendent will prepare a proposed agenda for each meeting of the Vance County Board of Education (the “board”). A request to have an item of business placed on the agenda must be received at least six working days before the meetings. (See also policy 2310, Public Participation at Board Meetings, regarding agenda requests by individuals or groups.) A board member may, by a timely request, have an item placed on the agenda.

Each board member will receive a copy of the agenda four days prior to the meeting, and the agenda will be available for public inspection and/or distribution when it is distributed to the board members. At the beginning of the meeting, items may be added to the proposed agenda by the chair, the superintendent, or a board member, with approval of the chair. The second item of business for each board meeting shall be adoption of the agenda. Thereafter the board may, by a majority vote of those members present, add an item that is not on the agenda. Any new policy or budgetary items presented as an addendum to the published agenda are not subject to action at the same meeting.

Legal References: G.S. 115C-36

Cross References: Duties of Officers (policy 2210), Public Participation at Board Meetings (policy 2310), Advance Delivery of Meeting Materials (policy 2335)

Adopted:

Replaces: Board policy BDDB, Board Meeting-Agendas

At least four work days prior to each regular or special board meeting, the superintendent shall provide the following materials to each member of the Vance County Board of Education (the “board”)-member:

1. the proposed agenda;
2. minutes of previous meetings that have not been approved; and
3. any supporting information or materials that would assist board members to become informed of the issues proposed for board consideration.

Legal References: G.S. 115C-36

Cross References: Board Meeting Agenda (policy 2330)

Adopted:

Replaces: Board policy BDDCA, Advance Delivery of Meeting Materials

Except as otherwise provided by law or by the policies of the Vance County Board of Education (the “board”), meetings of the board will be conducted in accordance with *Robert's Rules of Order, Newly Revised*.

The chairperson is authorized to entertain and rule on questions concerning parliamentary procedure and to seek counsel of the board attorney when necessary to clarify or construe any relevant procedural provision.

Legal References: G.S. 143-318.12

Cross References:

Adopted:

Replaces: Board policy BDDE, Rules of Order

In order to conduct official business at a regular or special meeting, a quorum of the Vance County Board of Education (the “board”) must be present.

A quorum is defined as a majority of the members of the board. If a quorum is not present at any meeting, the chairperson will postpone the meeting until such time as a quorum can be present, provided adequate notice is given pursuant to the Open Meetings Law. Proxy voting will not be recognized by the board.

[A majority vote of the quorum may pass a resolution.](#)

[In accordance with policy 2420, Adoption of Policies, a majority vote of the full board is required to change policies.](#)

Legal References: G.S. 143-318.12; *Iredell County Bd. of Educ. v. Dickson*, 235 N.C. 359 (1952), *Edwards v. Yancey County Bd. of Educ.*, 235 N.C. 345 (1952)

Cross References: [Adoption of Policies \(policy 2420\)](#)

Adopted:

[Replaces: Board policy, BDDD, Quorum](#)

Voting will normally be by voice vote on all matters coming before the Vance County Board of Education (the “board”) for action. However, any member may call for a division, in which case the vote will be by show of hands. In either event, the minutes will reflect the vote of each member voting and the abstention of any member present but not voting, unless the vote is unanimous.

A board member must vote on all issues unless the member has a conflict of interest or is unable to remain impartial in a judicial matter before the board. If a board member recuses himself or herself from a vote, the member will state the reason before the vote is taken and the reason will be recorded in the minutes.

No secret ballots are permitted. If the board decides, by majority vote, to vote by written ballot, each member must sign his or her ballot, and the ballots must be available for public inspection in the superintendent’s office immediately following the meeting and until the minutes are approved. The minutes of the meeting must specify the vote of each member’s written ballot. The ballots may be destroyed after the minutes of the meeting have been approved.

Legal References: G.S. 143-318.13; *Crump v. Board of Education*, 93 N.C. App. 168, *aff’d*, 326 N.C. 603 (1990); N.C. Attorney General Advisory Opinion, 54 Op. Att’y. Gen. 86 (1985)

Cross References: Board Member Conflict of Interest (policy 2121)

Adopted:

[Replaces: Board policy BDDF, Voting Method](#)

The Vance County Board of Education (the “board”) reserves to itself the functions of developing and revising policies for the school system. The formation and adoption of policies will constitute the primary method through which the board exercises its leadership in the operation of the school system. All policy decisions will be made while keeping in mind the board’s objective to provide students with the opportunity to receive a sound basic education.

The formal adoption of policies shall be recorded in the minutes of the board. Only those written statements so adopted and so recorded shall be regarded as official board policy.

Legal References: G.S. 115C-36, -47; *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Authority and Duties (policy 1010)

Adopted:

Replaces: Board policy BF, Board Policy Development and Board policy BFB, Preliminary Development of Policies (in part)

Any member of the Vance County Board of Education (the “board”), individual, group of citizens, student, or employee may initiate proposals for new policies or changes to existing policies. The initiator must refer the suggestions to the superintendent for study prior to public discussion of the proposal and board action.

As appropriate in the development of proposed policies, the superintendent shall seek input from the board attorney, other professionals, school system personnel, parents, students and citizens.

The superintendent shall designate a person to be responsible for drafting policy recommendations for deliberation and/or action by the board. This person shall maintain the policy manual as set forth in board policy 2430, Dissemination and Preservation of Policies.

Legal References: G.S. 115C-36

Cross References: Dissemination and Preservation of Policies (policy 2430)

Adopted:

Replaces: Board policy BFB, Development of Policies (in part)

The following activities will constitute the policy development process for the Board.

1. NCSBA legal staff will create the initial draft policies by incorporating the information from the Vance County Board's current policy into our standard PLS policy on the same topic. NCSBA will then send the initial drafts of an entire "series."
2. School system staff and the board policy committee will review initial draft policies in the series sent from NCSBA. These policies will be sent in groups ("series") and some will contain strikeout and underline from the NCSBA legal staff to reflect incorporation of local policy and changes to the base PLS policy.
3. Once the school system staff and board policy committee review the draft policies, the policy contact person must notify NCSBA of any proposed changes or questions.
4. NCSBA makes any necessary changes to the initial draft policies and sends them clean to the contact person for presentation to the full board for "first read."
5. After the first reading, the school system's policy contact person should inform NCSBA of any further questions or suggested revisions based on the board's review.
6. "Second read" and approval of policies by the full board after a thirty (30) day review following first read.
7. School system contact person emails NCSBA a list of policies that were adopted along with each policy's adoption date. NCSBA will then create a final copy of each policy with the adoption date listed to keep on file and post on your school system website.

Adopted: August 4, 1986

Revised: April 5, 1993

Revised: December 14, 2015

Policies may be proposed for adoption, amendment or repeal at any board meeting by any member of the Vance County Board of Education (the “board”) or by the superintendent. A request to place the proposed policy on the agenda must be made in accordance with board policy.

Policies introduced and recommended to the board will not be adopted until a subsequent meeting. Board members shall be notified in writing of a proposed change to a policy at least ten (10) calendar days prior to the meeting. Thus, time will be given to permit further study and also to present an opportunity for interested parties to react. However, temporary approval may be granted by the board in lieu of formal policy to meet emergency conditions or special events that will take place before formal action can be taken.

Except in emergency situations, the board will adhere to the following procedure in considering and adopting policy proposals to ensure that they are well examined before final action:

1. First meeting: At the first meeting, the proposal will be presented as an information item. Under the working committee structure of the board, new or revised policies presented to the policy committee for consideration are to be distributed to all board members as attachments to the committee minutes. This distribution may be considered as a first meeting presentation for information.
2. Second meeting: At the second board meeting, the proposal will be presented for a first reading, discussion, possible modifications, and first vote to continue consideration.
3. Third meeting: At the third board meeting, the proposal will be presented for a second reading, discussion, and final vote.

During discussion of a policy proposal, the views of the public, parents, students and staff will be considered. Board members may propose amendments. An amendment will not require that the policy go through an additional reading except as the board determines that the amendment needs further study and that an additional reading would be desirable. The board must adopt by majority vote, and the superintendent must record the policy in the minutes of the board meeting in order for the policy to be considered official board policy.

Unless otherwise specified by the board, a policy is effective as of the date it is adopted by the board.

No policy formally adopted by the board of education may be revised or rescinded except by majority vote in accordance with policy 2342, Voting Methods.

Legal References: G.S. 115C-36

Cross References: Board Meetings Agenda (policy 2330), Voting Methods (policy 2342), Policy Review and Evaluation (policy 2440)

Adopted:

[Replaces: Board policy BFC, Policy Adoption](#)

DISSEMINATION AND PRESERVATION OF POLICIES

Policy Code:

2430

The superintendent shall establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Vance County Board of Education (the “board”) and any accompanying administrative procedures or memoranda.

All policies adopted by the board of education will be maintained in both electronic and physical form. The electronic form shall be accessible through the school system website. The physical form shall be kept in a policy manual that will constitute a public record that will be open for inspection at the board of education offices during regular office hours. The board will endeavor to keep both the electronic policies on the website and the physical policy manual updated with the most recent policies adopted by the board. Any discrepancies between the policies on the website and in the physical manual shall be resolved in accordance with the board’s most recent action on the policy.

The superintendent shall ensure that all board members, ~~and~~ employees [and board counsel](#) have convenient access to copies of the board’s policies. [All employees are expected to become familiar with board policies.](#)

All physical policy manuals distributed remain the property of the board, will be deemed to be “on loan” to any person or organization, and are subject to recall at any time deemed necessary for purpose of amendment, rescission or recodification.

Legal References: G.S. 115C-36

Cross References: [Policy Development \(policy 2410\)](#)

Adopted:

[Replaces: Board policy BFD, Policy Dissemination](#)

The Vance County Board of Education (the “board”) assigns to the superintendent the responsibility of continued review and evaluation of the policies adopted by the board and of bringing to the board's attention the need for adopting, amending, updating or rescinding any particular policy.

The superintendent has the authority to make to any existing policies technical and conforming changes necessitated by changes in state and federal law. Such changes are effective immediately subject to ratification by the board at its next regular meeting.

The superintendent is responsible for the dissemination of updated, revised and newly adopted policies to all holders of policy manuals and for recalling all manuals if necessary for updating or recodification.

Legal References: G.S. 115C-36

Cross References: Adoption of Policies (policy 2420)

Adopted:

Replaces: Board policy BFB, Preliminary Development of Policies (in part) and policy BFG, Policy Review and Evaluation

The operation of any section or sections of Vance County Board of Education (the “board”) policies not established by law or contract may be suspended temporarily by a majority vote of board members present at a board meeting held in compliance with law and board policy; provided however, that in no case may any policy be suspended by vote of less than a majority of all the members of the entire board.

Legal References: G.S. 115C-36

Cross References: Quorum (policy 2341)

Adopted:

Replaces: Board policy BFF, Suspension of Policies

The Vance County Board of Education (the “board”) delegates to the superintendent of schools the power to act in cases in which the board has not provided policy statements to guide administrative action. The superintendent shall inform the board promptly of such action and of the need for policy.

Legal References: G.S. 115C-36, -47, -276

Cross References:

Adopted:

Replaces: Board policy BFE/CHD

The superintendent shall develop any administrative procedures necessary to implement **board** policies of the Vance County Board of Education (the "board").

In developing procedures, the superintendent should consult, as appropriate, with principals and other school system personnel, parents, students, the board attorney, and other professionals and citizens. The superintendent may establish formal administrative procedures or use less formal documents, such as memoranda, so long as the documents are preserved and disseminated in accordance with board policy. The board may review an administrative procedure at any time and direct the superintendent to modify, expand or omit the procedure. The board expects the superintendent to inform the board of any administrative procedure which requires board action or provokes controversy in the school community. All administrative procedures will be properly titled and coded to the appropriate policy in accordance with the board's adopted codification system.

Legal References: G.S. 115C-36, -47

Cross References: Dissemination and Preservation of Policies (policy 2430)

Adopted:

Replaces: Board policy BFCA/CHB, Board Review of Administrative Regulations (and Approval For Issuance)

All principals and school personnel are encouraged to initiate improvements to the educational program and services for students through school rules, standards and procedures. Unless specifically addressed by the Vance County Board of Education (the “board”), the superintendent may determine what matters will be addressed through administrative procedures developed in accordance with policy 2470, Administrative Procedures, and what matters may be addressed through school rules, standards or procedures established by the principal.

Principals are responsible for school rules, standards and procedures and are encouraged to involve staff, parents, students, professionals and citizens as appropriate to the issue.

At any time, the board or superintendent may review and direct the principal to modify, expand or omit a school rule, standard or procedure. All rules, standards or procedures must be consistent with applicable policies of the board, the administrative procedures of the superintendent, and any other applicable laws and regulations.

Legal References: G.S. 115C-36, -47

Cross References: Dissemination and Preservation of Policies (policy 2430), Administrative Procedures (policy 2470)

Adopted:

The Vance County Board of Education (the “board”) is guided by generally accepted standards of fairness in establishing processes for hearings before the board. Given the board’s considerable responsibilities for overseeing the educational program and operations of the schools, the board also strives to be efficient in carrying out its various functions, including conducting hearings.

Unless other hearing processes are required by law or board policy, the following procedures will apply in board hearings. The board reserves the right to modify the procedures described in this policy as necessary in any particular hearing in order to be fair and efficient, in order to meet legal requirements or for any other reason the board deems sufficient.

1. A hearing will be open to the public unless a closed session is permitted by law.

It is the express policy of the State and this board to make hearings open to the public except for certain purposes specified in the Open Meetings Law.

Grievance appeals pursuant to policies 1740/4010, Student and Parent Grievance Procedure, and 1750/7220, Grievance Procedure for Employees, typically will be heard in closed sessions in order to prevent the disclosure of confidential information. Closed sessions will be conducted in accordance with policy 2320, Compliance with the Open Meetings Law.

The board will consider requests made by a parent, student or employee to conduct a hearing in open session that is permitted by law to be held in closed session. However, the board will make the final determination of whether a hearing will be held in open or closed session.

2. The superintendent is responsible for providing sufficient notice of the time and place that a hearing will be held and the nature of the hearing that will be available.

In order to resolve complaints expeditiously, board hearings will be scheduled as promptly as possible and notice given to the parties. The superintendent should provide as much notice as is feasible given the particular circumstances. The superintendent shall provide a copy of this policy and, when possible, specify time limitations on the oral presentation if different from what is provided in number 5 of this policy.

3. Individual hearings will be held unless the board determines that a group hearing would be a more effective process for hearing and addressing the matter.

When two or more individuals share the same or a similar concern or are involved in the same matter to be heard by the board, the board may consider whether to conduct a group hearing. The board may consider factors such as generally accepted standards of fairness, the need for efficiency and the ability to prevent the disclosure of confidential

information. The board will consider requests for group or individual hearings and will make the final determination.

4. Unless otherwise required by law, the board may designate a panel of two or more board members to hear and act on behalf of the board.

The superintendent shall confer with the chairperson of the board to determine whether the full board or a panel of the board will conduct a hearing. The board also may establish a panel to hear certain types of appeals, such as student grievances.

5. All parties involved in the hearing may submit written position statements and will be given the opportunity for a limited oral presentation.

Written statements may be submitted at the hearing or in advance of the hearing unless otherwise specified. All parties will be given the opportunity to address the board orally as well. The board may establish time limitations for oral presentations for different types of hearings or may set the time limitation for a particular hearing. Unless a different time frame is established in the notice, in applicable board policies or at the hearing, each party will be offered 15 minutes to present his or her position to the board.

6. The board may limit oral presentation to be made by the parties themselves; other witnesses may be excluded.

The board believes that in most instances, permitting the parties to speak before the board enables a fair presentation of the parties' positions. The board may designate types of hearings in which parties may or may not be represented by legal counsel. Any individual intending to be represented by legal counsel must notify the superintendent in advance of the hearing so that there will be an opportunity to clarify whether legal counsel may be used and to provide the superintendent and board the opportunity to be represented by legal counsel. If necessary, the meeting may be rescheduled to enable the board and/or superintendent to secure legal counsel for the hearing.

7. Legal rules of evidence do not apply to information considered by the board.

The board may consider any information that a reasonably prudent person would consider in conducting the serious affairs of a business.

8. In reviewing any appeal of a decision of school personnel, the board will determine whether the administrative record as a whole provides sufficient evidence to justify the decision of the superintendent. New evidence will not be permitted unless necessary to prevent a threat of substantial unfairness.

The board will review the administrative record, including any administrative proceedings, and will provide an opportunity for the superintendent and the party contesting the decision to make a limited oral presentation of their positions. The

submission of documentary evidence and presentation of additional witnesses will be allowed at the discretion of the board.

9. The superintendent is responsible for making a record of the hearing.

The superintendent shall make any record required by law. At a minimum, the board record will incorporate the administrative record provided to the board for review and any written documents submitted by the parties. The record also will provide the decision of the board and the basis for the decision when such information is required or specified in law or board policy.

Legal References: G.S. 115C-45(c); 143-318.11

Cross References: Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), Student and Parent Grievance Procedure (policy 1740/4010), Grievance Procedure for Employees (policy 1750/7220), Compliance with the Open Meetings Law (policy 2320), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Requests for Readmission of Students Suspended for 365 Days or Expelled (policy 4362), Teacher Contracts (policy 7410), School Administrator Contracts (policy 7425), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted:

Replaces: Board policy BDG, Public Hearings

~~**Delete option BHEARINGS BEFORE THE BOARD** — Policy Code: **2500.OPTB**~~

~~Vance County Board of Education (the “board”) hearings, unless otherwise specified by law or board policy, will be informal. Legal rules of evidence will not apply. For hearings held to appeal a decision of school personnel, the superintendent shall ensure that notice is provided and a record of the hearing is made as required by G.S. 115C 45(c). The board chairperson, or board member serving as chairperson of a board panel, will establish any other hearing procedures to be followed in a particular hearing.~~

~~Board hearings will be conducted in accordance with the Open Meetings Law and all other applicable laws and board policies.~~

~~Legal References: G.S. 115C 36, 45(c); 143-318.11~~

~~Cross References: Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), Student and Parent Grievance Procedure (policy 1740/4010), Grievance Procedure for Employees (policy 1750/7220), Compliance with the Open Meetings Law (policy 2320), Long Term Suspension, 365 Day Suspension, Expulsion (policy 4353), Requests for Readmission of Students Suspended for 365 Days or Expelled (policy 4362), Teacher Contracts (policy 7410), School Administrator Contracts (policy 7425), Classified Personnel: Suspension and Dismissal (policy 7940)~~

~~Adopted:~~

~~Replaces: Board policy BDG, Public Hearings~~

As situations demand, the Vance County Board of Education (the “board”) may utilize consultants from various fields, including architects, personnel consultants and instructional/educational consultants. In each case, the board will advertise for proposals as required by law or as deemed necessary by the board and will enter into a written contract with the consultant selected, outlining the tasks to be performed, the dates for completion, evaluation procedures and any other relevant terms.

Legal References: G.S. 115C-47

Cross References: Planning to Address Facility Needs (policy 9000), Site Selection (policy 9010), Facility Design (policy 9020), Supervision of Construction Contracts (policy 9130), Sale, Disposal and Lease of Board-Owned Real Property (policy 9400)

Adopted:

Replaces: Board policy BCH, Consultants to the Board

As needed, the Vance County Board of Education (the “board”) will enter into contracts for legal service to the school system, including both legal advice and representation in litigation. Any attorney retained by the board or the superintendent through school system funds represents the legal entity of the school system and not any individual board member or administrator.

The superintendent may consult with the board attorney as needed to carry out administrative operations and to protect the board and school system from liability. Other staff may consult with the board attorney following procedures established by the superintendent. The board attorney shall be responsible for and authorized to address and resolve criminal bail bond and vehicle forfeiture matters in district and superior court. The board or the superintendent shall seek the counsel of the board’s attorney, as needed, when there may be a question of legal concern or proper procedure in the development of policies.

The chairperson of the board normally will decide for board members when to seek legal advice or assistance on school matters. If an individual member of the board desires to consult directly with the attorney, the board member must notify the chairperson of the legal information to be sought. If it is determined that legal assistance is necessary and has not been sought previously for this matter, the board member will be directed to consult individually with the attorney. Questions raised by members of the board and the attorney’s replies will be reported to all board members. The chairperson of a board committee may consult with the board attorney on issues that arise out of and in connection with the committee’s work. The inquiry and response will be reported to all board members.

Legal References: G.S. 15A-544.5, -544.8; 115C-36

Cross References:

Adopted:

Replaces: Board policy BFBA, Attorney Involvement in Development of Policies and policy BCG, School Attorney

**LIAISON
WITH SCHOOL BOARDS ASSOCIATIONS**

Policy Code:

2650

The Vance County Board of Education (the “board”) instructs the superintendent to keep it fully informed of the affairs of the state and national school boards associations and to keep these organizations informed as directed regarding the board's concerns and official positions on matters of common concern. The superintendent shall include in each year’s budget the cost of membership in the North Carolina School Boards Association.

All board members are encouraged to attend meetings, conferences and seminars of the state and national organizations in order to familiarize themselves with the latest developments in school affairs. The board also will attempt to be officially represented in association affairs through the election of delegates and/or observers to the governing assemblies of these organizations.

Legal References: G.S. 115C-36

Cross References:

Adopted:

Replaces: Board policy BJA, Membership in School Boards Association