

# ARTICLE I: IN GENERAL

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## **POLICY 1-1.1 AUTHORITY AND TITLE**

### **Authority**

Article 8, § 1 of the Constitution of Virginia places the responsibility for providing an efficient system of free public schools with the General Assembly of Virginia, and further directs the establishment of local school boards to operate, maintain and supervise local schools. The Hanover County School Board derives its authority from the Constitution of Virginia, the Code of Virginia, and the regulations of the Virginia Board of Education. The School Board is the policy making body for the Hanover County Public Schools and serves within the framework provided by law, the will of the local citizenry, and the ethics of the professional personnel.

The School Board is a body corporate, and in its corporate capacity is vested with all the powers and charged with all the duties, obligations, and responsibilities imposed upon school boards by law and may sue, be sued, contract, be contracted with, and purchase, take, hold, lease and convey school property, both real and personal. The School Board members are officers of the Commonwealth. School Board members shall have no authority or duties except such as may be assigned to them by the School Board as a whole. School Board members shall have authority only when acting as a board regularly in session. The School Board shall not be bound in any way by any statement or action of any individual School Board member or employee except when such statement or action is pursuant to specific instructions or rules of the School Board.

The wisdom and far-sightedness of the School Board members and the effectiveness and efficiency with which the School Board, as a corporate body, discharges its duties and obligations determine, to a large degree, the educational level of the citizens of Hanover County.

### **Title**

The School Board is a corporate body whose official title shall be the "County School Board of Hanover County."

**LEGAL REFERENCE:** Constitution of Virginia, Article VIII, § 7, Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-2, 22.1-28, 22.1-31, 22.1-71.

*Recodified: August 2000*

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## **POLICY 1-1.2 CORPORATE SEAL**

The Hanover County Public School division may, by a majority vote of the Hanover County School Board, adopt a corporate seal for use in the division. The seal shall have engraved thereon the official title of the division and such other inscription as the School Board may direct. The School Board shall serve as custodian of the seal.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-2, 22.1-71, 22.1-79.

*Recodified: August 2000*

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## **POLICY 1-1.3 POWERS AND DUTIES**

The Hanover County School Board is granted powers and charged with duties as determined by the General Assembly of Virginia. Such powers and duties include, but are not limited to, those specifically enumerated in Code of Virginia §§ 22.1-78 and 22.1-79. Accordingly, the operation of the

Hanover County Public Schools shall be within the reasonable discretion of the School Board except where that discretion is limited by law.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79.

*Recodified: August 2000*

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**POLICY 1-1.4 LEGAL COUNSEL**

Generally, the Hanover County School Board is represented by the Hanover County Attorney's Office which advises and represents it on legal matters when necessary. When the School Board deems it in the best interest of the Hanover County Public Schools, the School Board may employ other legal counsel for special purposes.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 22.1-82.

*Recodified: August 2000*

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## **POLICY 1-2.1 COMPOSITION OF THE HANOVER COUNTY SCHOOL BOARD**

The Hanover County School Board shall be composed of seven (7) members, one from each of the seven magisterial districts of Hanover County.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-34 through 22.1-57.

*Recodified: August 2000*

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## **POLICY 1-2.2 QUALIFICATIONS OF SCHOOL BOARD MEMBERS**

### **Qualifications**

At the time of his or her appointment to office, each member of the Hanover County School Board must be a qualified voter and bona fide resident of Hanover County and the magisterial district which the School Board member represents and meet any other criteria set forth in Virginia law. If a School Board member shall cease to be a resident of Hanover County or that magisterial district which the School Board member represents, the position on the School Board shall be deemed vacant.

### **Ineligibility for Office**

No state, county, city or town officer, no deputy of any such officer, no member of the Hanover County Board of Supervisors or Ashland Town Council, no employee of the School Board, and no father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of a member of the Hanover County Board of Supervisors may, during his or her term of office, be appointed or serve as a member of the School Board or as a tie breaker for the School Board except as set forth in Virginia Code section 22.1-30, as amended.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-29, 22.1-30, 22.1-44.

*Recodified: August 2000*

*Amended: June 12, 2012*

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## **POLICY 1-2.3 APPOINTMENT OF, OATH BY, AND TERM FOR SCHOOL BOARD MEMBERS**

### **Appointment**

Hanover County School Board members shall be appointed by the Hanover County Board of Supervisors. Vacancies occurring in the membership of the School Board, other than by expiration of term, shall also be filled by appointment by the Board of Supervisors.

### **Oath of Office**

All Hanover County School Board members shall qualify by taking the oath prescribed for the officers of the Commonwealth on or before the day their term of office begins. Failure to take the oath of office within the time allowed by law renders the office vacant.

### **Term of Office**

School Board members shall be appointed for four-year terms. Should a member be appointed to fill an unexpired term, the appointment shall be for the unexpired portion of the term.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§15.2-1522, 15.2-1524, 22.1-29, 22.1-29.1, 22.1-30,22.1-44.

*Recodified: August 2000*

*Amended: July 16, 2003*

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## **POLICY 1-2.4 ORIENTATION/IN-SERVICE PROGRAMS**

### **Orientation**

Immediately following notification of appointment to the Hanover County School Board, each new member shall be given an orientation program under the direction of the division superintendent. Every new School Board member shall be furnished a copy of the School Board's bylaws, policies and regulations, the current budget, a copy of Virginia school laws to include the Virginia Freedom of Information Act, and other such documents deemed essential to the operation of the Hanover County Public Schools.

### **In-Service Programs**

The School Board places a high priority on the importance of a planned and continuing program of in-service education for its members. The central purpose of the program is to enhance the quality and effectiveness of public school governance in the Hanover community. The School Board shall plan specific in-service activities designed to assist School Board members in their efforts to improve their skills as members of a policy-making body; to expand their knowledge about trends, issues, and new ideas affecting the educational activities of the public schools; and to deepen their insights into the nature of leadership in a modern democratic society.

School Board members will participate annually in high-quality professional development activities at the state, local, or national levels on governance, including, but not limited to, personnel, policies and practices; curriculum and instruction; use of data in planning and decision-making; and current issues in education.

Funds shall be budgeted annually to support this program. Individual School Board members shall be reimbursed for out-of-pocket costs incurred for participation in approved activities. The School Board shall retain the authority to approve or disapprove the participation of members in planned activities. The public shall be kept informed about the School Board's continuing in-service educational activities.

The School Board regards the following as the kinds of activities and services appropriate for implementing this Policy:

1. Participation in school board conferences, workshops and conventions conducted by the Virginia and National School Boards Associations.
2. Division-sponsored training sessions for School Board members.
3. Subscriptions to publications addressed to the concerns of school board members.
4. Virginia Department of Education seminars.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 22.1-253.13:5 (B and D).

*Recodified: August 2000*

*Amended: July 12, 2005*

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## **POLICY 1-2.5 COMPENSATION AND EXPENSES**

### **Compensation**

The members of the Hanover County School Board shall be compensated at a rate not to exceed the maximum salary as provided in accordance with Virginia law. School Board members shall be awarded a salary increase only as set forth in applicable Virginia law.

### **Expenses**

Members of the School Board shall be reimbursed for actual expenses incident to performance of official duties, including but not limited to, travel, food and lodging. School Board members shall be reimbursed for private transportation at the same rate authorized for Hanover County Public Schools employees, including travel to and from regular and special meetings.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-32, 22.1-55, 22.1-85.

*Recodified: August 2000*

*Amended: July 16, 2003*

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## **POLICY 1-2.6 REMOVAL FROM OFFICE**

Any Hanover County School Board member may be removed from office in accordance with the provisions of applicable law, including but not limited to, §§ 24.2-230 through 24.2-237 of the Code of Virginia.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 24.2-230 through 24.2-237.

*Recodified: August 2000*

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### **POLICY 1-3.1 SCHOOL BOARD ORGANIZATIONAL MEETING**

The Hanover County School Board shall organize annually by the election of officers at its first meeting in July. The first order of business shall be the election of the School Board Chairman. The new Chairman shall then assume office and preside over the remainder of the meeting. The School Board may also elect a Vice-Chairman.

At its annual organizational meeting, the School Board shall appoint a clerk and a deputy clerk based upon the recommendation of the division superintendent. The clerk and deputy clerk shall be eligible for reappointment. The School Board shall approve a designee of the division superintendent to attend meetings of the School Board in the absence or inability of the division superintendent to attend. The term of office for the above positions shall be one year. The agenda for the organizational meeting shall include setting times, places and dates of regular School Board meetings and other items of annual business as appropriate.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-72, 22.1-76.

*Recodified: August 2000*

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### **POLICY 1-3.2 SCHOOL BOARD OFFICERS**

The officers of the Hanover County School Board shall be a Chairman and Vice-Chairman. The Chairman and the Vice-Chairman shall be elected annually at the organizational meeting of the School Board.

#### **School Board Chairman**

The duties of the Chairman shall be to preside at all meetings of the School Board, to perform such other duties as may be prescribed by law or by action of the School Board, to sign all legal documents approved by the School Board and to serve as an ex officio member of all School Board committees.

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

#### **Vice-Chairman**

The Vice-Chairman shall preside in the absence of the Chairman, and shall be empowered to act in all matters in case of the absence or inability of the Chairman to act or as provided by resolution of the School Board. If neither the Chairman nor Vice-Chairman is present, the majority School Board members present, if they constitute a quorum, shall elect one from among themselves to chair the meeting. The Vice-Chairman shall perform such other duties as the School Board may assign.

#### **Vacancies**

In the event that the Chairman of the School Board should vacate his office, prior to the expiration of his term, the School Board shall fill the position by election from its membership at its next regular meeting following the acceptance of such notice. A vacancy in the office of clerk or deputy clerk shall be filled in the same manner in which the previous incumbent was originally appointed on recommendation of the division superintendent.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-72, 22.1-76.

*Recodified: August 2000*

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### **POLICY 1-3.3 SCHOOL BOARD CLERK**

On recommendation of the division superintendent, the Hanover County School Board annually, at its organizational meeting, shall appoint a clerk, and may appoint a deputy clerk.

The clerk and deputy clerk shall each be bonded in an amount no less than ten thousand dollars (\$10,000), and the School Board shall pay the premiums for each bond. The clerk and deputy clerk shall discharge under the general direction of the division superintendent all duties as required by law and such other duties as may be required by the School Board or the Virginia Board of Education, including but not limited to:

1. Attending all meetings of the School Board and keeping a record in a bound journal of its proceedings.
2. Keeping an account record of all receipts and disbursements of the School Board as prescribed by law.
3. Verifying all statements for payment after audit and under the direction of the division superintendent or his designee; seeing that all accounts of the School Board are kept accurately, and making such reports and performing such duties as are required by Virginia law, regulations of the Board of Education, the School Board and the division superintendent.
4. Notifying members of any regular and special meetings of the School Board and of committee meetings and attend all such meetings unless otherwise directed by the division superintendent.
5. Serving as custodian of the seal of the School Board.
6. Presenting at each regular meeting of the School Board an accurate financial statement of all appropriations, expenditures, and balances.

#### **Oath**

The clerk and deputy clerk must take an oath of office prescribed for State officers.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-72, 22.1-76, 22.1-77.

*Recodified August 2000*

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# ARTICLE IV: SCHOOL BOARD MEMBERS – DUTIES AND RESPONSIBILITIES

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## **POLICY 1-4.1 CONFLICT OF INTEREST**

### **Purpose**

This Policy is intended to assure that the judgment of the board members and employees of the Hanover County School Board will be guided by State and Local Government Conflict of Interests Act, which defines and prohibits inappropriate conflicts and requires disclosure of economic interests.

### **Areas of Regulation**

The State and Local Government Conflict of Interests Act establishes five principal areas of regulation applicable to board members and employees of the Hanover County School Board. They include:

1. Special anti-nepotism rules
2. General rules governing public conduct by school board members and employees regarding acceptance of money, things of value, gifts and favors.
3. Prohibited conduct regarding contracts.
4. Required conduct regarding transactions.
5. Disclosure required from certain school board members.

### **Definitions**

The State and Local Government Conflict of Interests Act defines the following terms as:

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

“*Affiliated business entity relationship*” means a relationship, other than a parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

“*Business*” means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

“*Candidate*” means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of this chapter upon the filing of a statement of qualification pursuant to § 24.2-501 of the Code of Virginia.

“*Contract*” means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision of thereof. “*Contract*” includes a subcontract only when the contract of which it is a part is with the officer’s or employee’s own governmental agency.

“*Council*” means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355 of the Code of Virginia.

“*Employee*” means all persons employed by a governmental or advisory agency.

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

“*Gift*” means any gratuity, favor, discount, entertainment, hospitality, loan forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. “*Gift*” does not include (i) any offer of a ticket, coupon or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program’s financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 of title 24.2 of the Code of Virginia; (v) any gift related to the private profession or occupation or volunteer service of an officer or employee or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act; (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; (xiii) travel related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; (xiv) gifts with a value of less than \$20.00; (xv) attendance at a reception or similar function where food, such as hors d’oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; or (xvi) gifts from relatives and personal friends. For the purposes of this definition, “relative” means the donee’s spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee’s or his spouse’s parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee’s brother’s or sister’s spouse or the donee’s son-in-law or daughter-in-law. For the purpose of this definition, “personal friend” does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 of Chapter 4 of Title 2.2 of the Code of Virginia; (b) a lobbyist’s principal as defined in §2.2-419 of the Code of Virginia; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the School Board. For purposes of this definition, “person, organization, or business” includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

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

“*Immediate family*” means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and, who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

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

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

“*Personal interest*” means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of:

1. ownership in a business if the ownership interest exceeds three percent of the total equity of the business;
2. annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business;
3. salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually;
4. ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income or salary, other compensation, fringe benefits or benefits from the use of property;
5. personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business;
6. an option for ownership of a business or real or personal property if the ownership interest will consist of 1 or 4.

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

“*Personal interest in a transaction*” means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.

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

### **Special Anti-Nepotism Rules Relating to School Board Members and Superintendents**

The School Board may not employ, and the division superintendent may not recommend for employment, the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law, of the division superintendent or of a School Board member. This provision shall not be construed to prohibit the employment, promotion, or transfer within the school division, of any person within a relationship described above when such person:

1. has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher’s aide by the School Board prior to the taking of office of any member of the School Board or the division superintendent; or

2. has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the inception of such relationship; or
3. was employed by the School Board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of the School Board or division superintendent.

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

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

### **General Rules Governing Public Conduct by School Board Members Regarding Gifts and Favors**

#### Prohibited Conduct

No member or employee of the School Board shall:

1. Solicit or accept money, or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid by the School Board. This prohibition shall not apply to the acceptance of special benefits that may be authorized by law;
2. Offer or accept any money, or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with the school division or any governmental or advisory agency;
3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with the school division or any governmental or advisory agency.
4. Use for his own economic benefit or that of another party confidential information he has acquired by reason of his public position and which is not available to the public;
5. Accept any money, loan, gift, favor, service or business or professional opportunity that reasonably tends to influence him in the discharge of his official duties;
6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties;
7. Accept any honoraria for any appearance, speech or article in which the School Board member or employee provides expertise or opinions related to the performance of his official duties. The term "honoraria" shall not include any payment for or reimbursement to such person for his actual travel, lodging, or subsistence expenses incurred in connection with such appearance, speech or article, or in the alternative a payment of money or anything of value not in excess of the per diem deduction allowable under § 162 of the Internal Revenue Code, as amended from time to time;
8. Accept a gift from a person who has interests that may be substantially affected by the performance of the School Board member's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the School Board member's or employee's partiality in the matter affecting the donor;
9. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain; or
10. Use his public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law, provided however, that this subdivision shall not restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law.

## Prohibited Gifts

For purposes of this section:

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

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

- A. No School Board member or employee required to file the disclosure form prescribed in § 2.2-3117 of the Code of Virginia or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to § 2.2-418 et seq. of the Code of Virginia; (ii) a lobbyist’s principal as defined in § 2.2-419 of the Code of Virginia; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the School Board. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.
- B. Notwithstanding the provisions of subsection A above, such School Board member, employee, or a member of his immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of admission with a value in excess of \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the disclosure form prescribed in § 2.2-3117 of the Code of Virginia.
- C. Notwithstanding the provisions of subsection A above, such School Board member, employee, or a member of his immediate family may accept or receive certain gifts with a value in excess of \$100 from a person listed in subsection A above if such gift was provided to such School Board member, employee, or a member of his immediate family on the basis of a personal friendship. A person listed in subsection A above may be a personal friend of such School Board member, employee, or his immediate family for purposes of this subsection. In determining whether a person listed in subsection A above is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in § 2.2-3117 or 30-111 of the Code of Virginia.
- D. Notwithstanding the provisions of subsection A above, such School Board member, employee, or a member of his immediate family may accept or receive gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a person listed in subsection A above when the School Board member or employee has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to § 30-356.1 of the Code of Virginia. Such gifts shall be reported on the disclosure form prescribed in § 2.2-3117 of the Code of Virginia.
- E. The \$100 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.



### Return of Gifts

No person shall be in violation of any provision of this policy prohibiting the acceptance of a gift if:

1. The gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes; or
2. Consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value of the gift provided that such consideration reduces the value of the gift to an amount not in excess of \$100 as provided in subsection B or C of § 2.2-3103.1 of the Code of Virginia.

### **Prohibited Conduct Regarding Contracts**

No School Board member shall have a personal interest in (i) any contract with the School Board or (ii) any contract with any government agency that is subject to the ultimate control of the School Board.

### Exceptions

The above prohibition shall not be applicable to:

1. A School Board member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the School Board;
2. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public;
3. A contract awarded to a member of the School Board as a result of competitive sealed bidding where the School Board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the School Board. However, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the School Board, by written resolution, shall state that it is in the public interest for the member to bid on such contract;
4. The sale, lease or exchange of real property between a School Board member or employee and a governmental agency, provided the School Board member or employee does not participate in any way as such School Board member or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof;
5. The publication of official notices;
6. An officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$5,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;
7. Contracts between the school division and a public service corporation, financial institution, or company furnishing public utilities in which the School Board member or employee has a personal interest provided the School Board member or employee disqualifies himself as a matter of public record and does not participate on behalf of the School Board in negotiating or approving the contract;
8. Contracts for the purchase of goods or services when the contract does not exceed \$500;
9. Grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency; or
10. An officer or employee whose sole personal interest in a contract with the School Board is by reason of his marriage to his spouse who is employed by the School Board, if the spouse was employed by the School Board for five or more years prior to marrying such officer or employee;

11. Employment contracts or renewals thereof and other contracts entered into prior to August 1, 1987, which were in compliance with the Virginia Conflict of Interests Act (or the Comprehensive Conflict of Interests Act) at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. The employment by the School Board of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of the persons is employed in a direct supervisory and/or administrative position with respect to the spouse or other relative residing in his household and the annual salary of the subordinate is \$35,000 or more.

### **Prohibited Conduct Regarding Transactions**

Each School Board member and employee who has a personal interest in a transaction:

1. Shall disqualify himself from participating in the transaction if (i) the transaction has application solely to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsiary or affiliated business entity relationship with the business in which he has a personal interest, or (ii) he is unable to participate pursuant to 2.a., b., or c., below. Any disqualification under the provisions of this subdivision shall be recorded in the public records of the School Board. The School Board member or employee shall disclose his personal interest, as required by this policy, and shall not vote or in any manner act on behalf of the School Board in the transaction. The School Board member or employee shall be prohibited from (a) attending any portion of a closed meeting of the School Board when the matter in which he has a personal interest is discussed and (b) discussing the matter in which he has a personal interest with other School Board members or employees at any time;
2. A School Board member or employee who has a personal interest in a transaction may participate in the transaction:
  - a. If he is a member of a business, profession, occupation, or group of three or more persons, the members of which are affected by the transaction, and he complies with the declaration provisions of this policy;
  - b. When a party to the transaction is a client of his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements of this policy;
  - c. If it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.

Disqualification under the provisions of this section shall not prevent any employee having a personal interest in a transaction in which his employer is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of this policy.

If disqualification of school board members or employees in accordance with this section leaves less than the number required by law to act, the remaining member or members of the School Board shall constitute a quorum for the conduct of business and have authority to act for the School Board by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.

The provisions of this Policy shall not prevent a School Board member or employee from participating in a transaction merely because such a member or employee is a party in a legal proceeding of a civil nature concerning such transaction.

## **Disclosure Requirements for School Board Members**

School Board members shall file, as a condition of assuming office, a disclosure statement of their personal interests and other information, as is specified on the form set forth in Virginia Code § 2.2-3117, and thereafter file such statement annually on or before February 1. The disclosure forms shall be filed and maintained as public records for five years in the office of the clerk of the School Board. Such forms shall be made public no later than six weeks after the filing deadline.

Any School Board member or employee who has a personal interest in any transaction before the School Board and who is disqualified from participating in that transaction under this Policy or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the School Board for five years in the office of the division superintendent.

The clerk of the school board that releases any form to the public pursuant to this policy shall redact from the form any residential address, personal telephone number, or signature contained on such form.

Any School Board member or employee who is required to disclose his interest under this Policy shall declare his interest by stating:

- a. The transaction involved,
- b. The nature of the School Board member's or employee's personal interest affected by the transaction,
- c. That he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and
- d. That he is able to participate in the transaction fairly, objectively, and in the public interest.

The School Board member or employee shall either make his declaration orally to be recorded in written minutes of the School Board or file a signed written declaration with the clerk of the School Board or division superintendent who shall, in either case, retain and make available for public inspection such declaration for a period of five (5) years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the School Board member or employee shall prepare and file the required declaration by the end of the next business day. The School Board member or employee shall also orally disclose the existence of the interest during each meeting of the School Board at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

## **Disclosure Form and Filing Requirements**

- A. A School Board member required to file an annual disclosure on or before February 1 under this policy shall disclose his personal interests and other information as required on the form prescribed by the Council for the preceding calendar year complete through December 31. A School Board member required to file a disclosure as a condition to assuming office shall file such disclosure on or before the day such office is assumed and disclose his personal interests and other information as required on the form prescribed by the Council for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the office is assumed; however, any School Board member who assumes office in January shall be required to only file an annual disclosure on or before February 1 for the preceding calendar year complete through December 31.
- B. When the deadline for filing any disclosure pursuant to this policy falls on a Saturday, Sunday, or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday, or legal holiday.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.2-3102, 2.2-3103, 2.2-3013.1, 2.2-3013.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115, 2.2-3118.2, 2.2-3119.

*Recodified: August 2000*

*Amended: July 16, 2003, July 10, 2007, July 13, 2010, December 8, 2015, June 13, 2017*

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#### **POLICY 1-4.2 SCHOOL VISITATIONS**

Each Hanover County School Board member will attempt to visit various schools throughout the year when invited for regular programs and special events or when the School Board member has time available or has special interest in a particular program.

Each School Board member will spend at least one day per academic year in school visitation during a time period recommended by the School Board Chairman. The purpose of the visits is to obtain background information for intelligent policy making. Upon completion of the visits, School Board members will participate in a scheduled committee of the whole School Board to discuss their observations.

School Board members acknowledge that they are guests in any school they visit. They will stop first at the principal's office to advise the principal of their presence and determine if there are any special considerations that should be observed while visiting. Principals are encouraged to have School Board members visit the total school when possible rather than attempting to present only selected programs.

School Board members will contact the division superintendent if they have questions or concerns resulting from their visits.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 22.1-79.

*Recodified August 2000*

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# ARTICLE V: METHODS OF OPERATION

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- 1-5.1 COMMITTEES
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- 1-5.3 BYLAWS, ADOPTION, AMENDMENT AND SUSPENSION
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- 1-5.5 ANNUAL REPORT
- 1-5.6 JOINT SCHOOLS

## **POLICY 1-5.1 COMMITTEES**

### **Standing Committees**

The Hanover County School Board may establish such standing committees as it deems necessary or advisable. The chairperson of each standing committee will be appointed by the members of the committee.

### **Special Committees**

The School Board Chairman may appoint temporary committees as may be expedient to gather information, conduct surveys, or to perform such other tasks as may be assigned by the School Board. The work of special committees shall be confined to their specific assignment and they shall have only such authority as is directed by the School Board. They shall make their reports directly to the School Board as a whole. Such special committees shall be temporary and shall terminate upon presentation of their final report to the School Board or at the direction of the Chairman.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 22.1-78.

*Recodified: August 2000*

*Amended: June 13, 2017*

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## **POLICY 1-5.2 BOARD-STAFF COMMUNICATIONS**

The Hanover County School Board supports and encourages the concept of two-way communication between the School Board and its employees. The division superintendent is the official representative of the School Board as its chief administrative officer in its relations and communications with its employees. The two-way communication system shall be described elsewhere in the Hanover County School Board Policy Manual.

The School Board desires to develop the best possible working relationship with the employees of the Hanover County Public Schools. The School Board welcomes the viewpoints of employees and it shall allow time at its meetings for employees to be heard. The School Board shall not discriminate against any employee by reason of his membership in an employee organization or participation in any lawful activities of the organization.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 22.1-253.13:7(D)(1).

*Recodified: August 2000*

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## **POLICY 1-5.3 BYLAWS ADOPTION, AMENDMENT AND SUSPENSION**

### **Adoption and Amendment**

Hanover County School Board bylaws proposals, and suggested amendments to or revisions of existing bylaws, shall be approved only by majority vote of the School Board. Such proposed additions, amendments, or revisions shall be presented to the School Board in writing.

### **Suspension**

Bylaws of the School Board shall be subject to suspension upon a majority vote at a regular meeting for which the proposed suspension has been described in writing, or upon a unanimous vote of all members of the School Board where there is no written description.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 22.1-78.

*Recodified: August 2000*

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## **POLICY 1-5.4 BOARD POLICY MANUAL**

The Hanover County School Board shall be guided by written policies that are readily accessible to the School Board, division employees, students, and citizens. The School Board Policy Manual shall be reviewed at least every five years and revised as needed. A current copy of the Policy Manual shall be posted on the division's website and printed copies of the Policy Manual shall be available as needed to citizens who do not have online access.

### **Policy and Regulation Adoption**

Generally, it is the responsibility of the School Board to adopt policies for governing the schools. The power to enact policy cannot be delegated to an employee or agent such as the division superintendent or a single member of the School Board. Policy is a basic statement of the intent of the School Board, which creates rights and responsibilities for the conduct of the school system's business. Being of a dynamic nature, policies are subject to revision by the School Board. Regulation is the manner or method of implementation of policy by the division superintendent, subject to change as conditions and/or circumstances may dictate.

#### Policy Adoption

The School Board, representing the people of the school division, is the legislative body which determines all questions of general policy to be employed in the conduct of the public schools. Proposals regarding School Board policies and school division operations may originate at any of several sources, including a member of the School Board, the division superintendent, a citizen, a civic group, a School Board employee, a professional associate, a school study committee or a consultant.

Policies shall be developed and presented to the School Board evidencing the consideration given to the views of the school division's community and applicable legal references. The final authority for adoption rests solely with the School Board.

Policy proposals and suggested amendments to or revisions of existing policies shall be submitted to all members of the School Board and to the division superintendent in writing prior to a regularly scheduled School Board meeting in which such proposed policies, amendments, or revisions shall be read and discussed. A vote for adoption shall take place at the next regular meeting of the School Board. A majority vote shall be needed for the adoption of a policy. Unless otherwise provided, when policies are altered or replaced, the new or revised policy shall become effective upon adoption.

#### Regulation Adoption

The School Board delegates to the division superintendent the functions of specifying actions required under adopted policies and designing the detailed arrangements under which the policies will be implemented. Such actions and detailed arrangements shall constitute the administrative regulations governing the public schools. They must be consistent in every respect with the policies adopted by the School Board.

In the absence of applicable policy, the division superintendent is authorized to establish needed regulations, after an informal poll of the members of the School Board, subject to later confirmation in policy should the School Board so wish. Any such regulations shall be brought to the attention of the School Board no later than the next regular meeting subsequent to such establishment. It shall be the duty of the division superintendent to inform the School Board promptly of such action and of the need for policy.

The School Board itself shall formulate and adopt administrative regulations only when specific Virginia laws require School Board adoption and may do so when the division superintendent recommends School Board adoption in light of strong community attitudes or probable staff reaction.

The School Board reserves the right to review and veto administrative regulations should they, in the School Board's judgment, be inconsistent with School Board Policy.

### **Policy Suspension**

Policies of the School Board shall be subject to suspension upon a majority vote of the School Board members at a regular meeting for which the proposed suspension has been described in writing, or upon a unanimous vote of ALL members of the School Board where there is no such written description.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-253.13:7(C)(D).

*Recodified: August 2000*

*Amended: September 8, 2015*

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### **POLICY 1-5.5 ANNUAL REPORT**

The division superintendent shall assist the Hanover County School Board in preparing an annual report for the Virginia Board of Education covering the works of the schools for the previous year. The School Board shall also report its compliance with the Standards of Quality to the Board of Education annually. The report of compliance shall be submitted to the Board of Education by the chairman of the School Board and the division superintendent.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-81, and 22.1-253.13:8.

*Recodified: August 2000*

*Amended: July 12, 2005*

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### **POLICY 1-5.6 JOINT SCHOOLS**

The Hanover County School Board shall elect representative(s) from its membership to committees or boards governing regional projects or joint schools in accordance with state and federal laws or regulations or joint agreement with other school boards and/or agencies.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 22.1-26, Regulations Regarding Jointly Owned and Operated Schools and Jointly Operated Programs, 8 VAC 20-280-10.

*Recodified: August 2000*

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## ARTICLE VI: MEETINGS

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## **POLICY 1-6.1 REGULAR SCHOOL BOARD MEETINGS**

### **Closed Session**

Closed meetings may be held only in accordance with Virginia law, including for the following purposes:

1. Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of officers, appointees or employees of the School Board. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter which involves the teacher and some student or students and the student or students involved in the matter are present, provided the teacher makes a written request to be present to the Chairman of the School Board.
2. Discussion or consideration of admission or disciplinary matters concerning any student in the Hanover County Public Schools. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians, shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents or guardians so request in writing and such request is submitted to the chairman of the School Board.
3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the School Board.
4. The protection of the privacy of individuals in personal matters not related to public business.
5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the School Board would be adversely affected.
7. Consultation with legal counsel and briefings by staff members or consultants, pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the School Board. For the purposes of this subdivision "probable litigation" means litigation which has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the School Board is in attendance or is consulted on a matter.
8. Consultation with legal counsel employed or retained by the School Board regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the School Board is in attendance or is consulted on a matter.
9. Discussion or consideration of honorary degrees or special awards.
10. Discussion or consideration of tests or examinations or other documents used, administered or prepared by a public body and subject to the exclusion in subdivision 4 of Va. Code § 2.2-3705.1.
11. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the School Board in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the School Board or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.
12. Discussion or consideration of medical or mental records subject to the exclusion in subdivision 1 of Va. Code § 2.2-3705.5.
13. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of information subject to the exclusion in subdivision 3 or 4 of Va. Code § 2.2-3705.2 where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information

- technology system or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.
14. Discussion of consideration of information subject to the exclusion in subdivision 11 of Va. Code § 2.2-3705.6 (the Public Private Education Facilities and Infrastructure Act) by the School Board or any independent review panel appointed to review information and advise the School Board concerning such information.
  15. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the School Board.

No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the School Board, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.

#### Calling and Certification of Executive Sessions

1. No closed meeting shall be held unless the School Board has taken an affirmative recorded vote in an open meeting approving a motion which (i) identifies the subject matter, (ii) states the purpose of the meeting as authorized in Va. Code § 2.2-3711(A) or other provision of law, and (iii) cites the applicable exemption or exemptions from open meeting requirements provided in the Freedom of Information Act or other provision of law. The matters contained in such motion shall be set forth in detail in the minutes of the opening meeting. A general reference to the provisions of the Virginia Freedom of Information Act, the authorized exemptions from open meeting requirements, or the subject matter of the closed meeting shall not be sufficient to satisfy the requirements for holding a closed meeting.
2. The notice provisions of this policy shall not apply to closed meetings of the School Board held solely for the purpose of interviewing candidates for the position of division superintendent. Prior to any such closed meeting for the purpose of interviewing candidates, the School Board shall announce in an open meeting that such closed meeting shall be held at a disclosed or undisclosed location within fifteen days thereafter.
3. The School Board holding a closed meeting shall restrict its discussion during the closed meeting only to those matters specifically exempted under the Virginia Freedom of Information Act and identified in the motion required by paragraph A.
4. At the conclusion of the closed meeting, the School Board shall immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be included in the School Board minutes, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the School Board. Any member of the Board who believes that there was a departure from the requirements of subdivisions (i) and (ii) above, shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the School Board minutes.
5. Failure of the certification required by subsection D to receive the affirmative vote of a majority of the members of the School Board present during a meeting shall not affect the validity or confidentiality of such meeting with respect to matters considered therein in compliance with these provisions. The recorded vote and any statement made in connection therewith, shall upon proper authentication, constitute evidence in any proceeding brought to enforce these provisions.
6. The School Board may permit non-members to attend a closed meeting if such persons are deemed necessary or if their presence will reasonably aid the School Board in its consideration of a topic which is a subject of the meeting.

7. Except as specifically authorized by law, in no event may the School Board take action on matters discussed in any closed meeting, except at an open meeting for which notice was given as required by Virginia Code § 2.2-3707.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.2-3700 through 2.2-3714, 22.1-69, 22.1-72.

*Recodified: August 2000*

*Amended: April 16, 2002, July 10, 2007, June 13, 2017*

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## **POLICY 1-6.2 AGENDA PREPARATION AND DISSEMINATION**

A proposed agenda and agenda packet shall be furnished to all Hanover County School Board members at least three days prior to a regularly scheduled School Board meeting. The preparation of the agenda shall be the responsibility of the School Board Chairman with the assistance of the division superintendent. Any member of the School Board may submit items for inclusion on the proposed agenda. School Board members are discouraged from adding items to the agenda on the date of the meeting.

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

### **Order of Business**

The normal order of business at regular School Board meetings shall be as follows:

1. Call to Order
2. Closed Meeting
3. Approval of Minutes
4. Special Recognition and Announcements
5. Citizens' Delegations
6. Instructional Highlights
7. Consent Agenda
8. Action Items
9. Information/Discussion Items
10. Materials for Board Review
11. Schedule of Topics for Next Board Meeting
12. Closed Meeting (if necessary)
13. Adjournment

### **Notification of School Board Meetings**

The division superintendent or his designee shall give advance notice of regular and special meetings of the School Board by placing the notice (1) on the School Board's website, (2) in a prominent location at which notices are regularly posted, and (3) in the office of the clerk of the School Board. Notice shall include the date, time, and location and tentative agenda of such meetings and shall be posted at least three working days prior to the meetings.

Notice shall be furnished to any citizen who requests such information. Requests to be notified on a continual basis shall be made at least once a year in writing and shall include the name of the requesting party, address, zip code, telephone number, electronic mail address, if available, and organization, if any.

Notice, reasonable under the circumstances, of special emergency or continued meetings shall be given contemporaneously with the notice provided to members of the School Board.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-72, 22.1-78, 2.2-3707.

*Recodified: August 2000*

*Amended: August 8, 2006, June 13, 2017*

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### **POLICY 1-6.3 QUORUM/CALL TO ORDER**

#### **Quorum**

At any meeting of the Hanover County School Board, a majority of the School Board members shall constitute a quorum. Should a quorum not be assembled at the hour appointed, the members present shall be competent to adjourn from time to time in order that an opportunity may be given for a quorum to assemble.

#### **Call to Order**

Should a quorum be assembled at the hour and place appointed for the meeting, the Chairman, or in the absence of the Chairman the Vice-Chairman, shall assume the chair and declare the meeting in order. Should a quorum be assembled at the hour appointed and the Chairman and Vice-Chairman be absent, a member nominated shall serve during the meeting or until the Chairman or Vice-Chairman shall appear.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-73, 22.1-78, 22.1-79.

*Recodified: August 2000*

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### **POLICY 1-6.4 RULES OF ORDER**

In the absence of any specific rule, "Robert's Rules of Order Revised" shall be considered the governing authority on parliamentary law. Specific rules of order of the Hanover County School Board are as follows:

1. It shall be the duty of the Chairman or presiding officer at all times to preserve order and to endeavor to conduct all business before the School Board with propriety and dispatch.
2. When any business is brought regularly before the School Board, the consideration of the same cannot be interrupted except by a motion: for adjournment, to lie on the table, for the previous question, for commitment, or for amendment.
3. The chairman may speak to points of order in preference to other School Board members, and shall decide questions of order subject to an appeal to the School Board by any two members.
4. A motion made must be seconded and then repeated distinctly by the Chairman or read aloud before it is debated; and every motion shall be reduced to writing if the Chairman or any of the School Board members requires it.
5. Any School Board member who shall have made a motion shall have liberty to withdraw it, with the consent of his second, before any debate has taken place thereon. He may not withdraw his motion after debate is had without leave being granted by the School Board.
6. An amendment may be moved on any motion and shall be decided before the original motion. No more than one amendment to an amendment shall be entertained.
7. If the motion under debate is composed of two or more parts which are so far independent of each other as to be susceptible of division into several questions, any two School Board members may have it divided and a vote taken on each part.
8. A motion once voted down cannot be renewed at the same meeting of the School Board without the consent of a majority of the members of the School Board.

9. If any member considers himself aggrieved by a decision of the Chairman, it shall be his privilege to appeal to the School Board and the vote on such appeal shall be taken without debate.
10. When the Chairman has commenced taking a vote, no further debate or remark shall be admitted unless there has evidently been some mistake, in which case the mistake shall be rectified and the Chairman shall recommence taking the vote.
11. A motion for adjournment shall always be in order and shall be decided without debate, except that it cannot be entertained when the School Board is voting on another question or while a member is addressing the School Board.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79.

*Recodified: August 2000*

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## **POLICY 1-6.5 BOARD MINUTES AND RECORDING VOTES**

### **Board Minutes**

The official minutes of the Hanover County School Board shall be recorded by the clerk, approved by the School Board in regular session, signed by the clerk and Chairman of the Board, stored in a safe place and shall be made available for general public examination during the hours when the School Board office is regularly open to the public.

#### Content and Style

In content and style, the official minutes shall be as brief and simple as possible and still retain the essential facts of each meeting. A record of all motions and amendments thereto which are offered, the disposition thereof and the vote thereon, shall be recorded. All matters required by law, schedules of accounts and bills acted upon and approved by the School Board shall be properly recorded. A record of all persons making presentations and the subject of their presentation shall be noted. All items not specifically noted here but required by law or recommended by auditors or by the opinions of the Virginia Attorney General's Office shall be recorded.

#### Procedures for Approval

Following proper editing, the unofficial minutes shall be sent to School Board members prior to the next regular School Board meeting. Minutes of the previous School Board meeting shall not be read to the School Board except for the purposes of corrections or omissions. An early procedural matter on the agenda shall be the adoption of the minutes of the previous meeting.

With prior approval of the School Board, the clerk may have School Board minutes microfilmed after a ten-year (10-yr.) period and the originals transferred to the Virginia State Library as provided by applicable law. Disposal of these records shall be recorded in the official minutes of the School Board.

### **Recording Votes**

All matters voted on by the School Board shall be recorded in the minutes by the clerk as passed or defeated. Voting shall be by voice, aye or no, unless there be a negative or abstaining vote, in which case the Chairman may call for a poll of the School Board. A poll of the School Board shall be made at the request of any School Board member. Except as otherwise required by law or School Board Policy all matters shall be passed when they have received the affirmative vote of a majority of the members present.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.1-341, 2.1-342, 22.1-74, 42.1-86.01.

*Recodified: August 2000*

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## **POLICY 1-6.6 VOTING METHOD**

The official vote on all decisions by the Hanover County School Board including unanimous votes, shall be recorded in the official minutes. The minutes of the meeting shall reflect the method and result of all votes.

In any case in which there shall be a tie vote of the School Board when all members are not present, the question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In complying with this procedure, or in any case in which there is a tie vote when all the members of the School Board are present, the clerk shall record the vote and the School Board Chairman shall immediately notify the tie breaker, if any, to give the casting vote in case of a tie as provided in Virginia Code § 22.1-75. If no tie breaker has been appointed as authorized by state law, any tie vote shall defeat the motion, resolution or issue voted upon.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-44, 22.1-75.

*Recodified: August 2000*

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## **POLICY 1-6.7 SPECIAL SCHOOL BOARD MEETINGS**

The Hanover County School Board may hold special and continued meetings when necessary. Special meetings shall be held when called by the Chairman or when requested by two or more School Board members. Special meetings may be called provided each member is duly notified or a reasonable attempt has been made to notify each member.

Business that does not come within the purposes set forth in the call of the meeting shall not be transacted at any special meeting of the School Board unless the quorum present is in unanimous agreement to consider additional items of business.

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

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.2-3707, 22.1-69, 22.1-72.

*Recodified: August 2000*

*Amended: July 16, 2003, June 13, 2017*

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## **POLICY 1-6.8 CITIZEN PARTICIPATION**

### **Presentations to the Board**

The public and members of the Hanover County Public Schools staff, as individuals or as members of an employee organization, shall have an opportunity to make presentations to the Hanover County School Board; provided, however, that the School Board does not hereby obligate itself to act on any request or proposal, whether or not it is informal or formal, in writing or verbal. The School Board reserves the right to limit presentations and to refuse to hear those coming from the floor of a School Board meeting without advance notice.

### Advance Request Procedure

A person who wishes to address the School Board should make his request, preferably in writing, by 10:00 a.m. the day before the scheduled regular School Board meeting.

### Recognition from the Floor

Recognition from the floor in the case where no advance request was made by the person desiring recognition will be granted at a specific time during the meeting at the discretion of the School Board Chairman.

### Addressing the Board

Upon recognition by the chairman, the speaker should clearly state his name, address and the subject of his remarks. He shall address himself to the Chairman. At the conclusion of his remarks, if any School Board member desires further information, said Board Member shall address the speaker only with the permission of the Chairman. The courtesy of the School Board shall be extended to the speaker and the speaker shall respect the privilege extended by the School Board. Resort to personalities will be ruled out of order as will the use of intemperate, abusive, and defamatory language.

The division superintendent shall respond by letter to delegations on behalf of the Board. Questions submitted at a public hearing will be recorded and responses will be placed in the public schools and county libraries.

### Time Limitations

The time allotted to any speaker shall be three minutes, except that a motion to extend the time shall be in order and a majority vote by the School Board members present shall be necessary to carry the motion.

### **Complaints Regarding Students or Employees of the Board**

The School Board shall not honor any request of the individuals or groups who desire to discuss or present complaints against students or School Board employees, either singularly or collectively, until or unless such complainants have gone through the proper channels and the division superintendent has received the complaint in writing.

The Chairman shall rule such speaker to be out of order until he has complied with the guidelines established in the preceding paragraph. No complaint against employees or individuals will be heard except in executive session.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79.

*Recodified: August 2000*

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## **POLICY 1-6.9 ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS**

When a quorum of the School Board is physically assembled at the primary or central meeting location, a School Board member may participate in the meeting through electronic communication means from a remote location that is not open to the public under either of the following conditions:

1. On or before the day of a meeting the School Board member notifies the chair of the School Board that the School Board member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter; and the School Board records in its minutes the specific nature of the personal matter and the remote location from which the School Board member participated.

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



Such participation by the School Board member shall be limited each calendar year to two (2) meetings of the School Board.

2. A School Board member notifies the School Board chair that the School Board member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the School Board member's physical attendance; and in its minutes the School Board records this fact and the remote location from which the School Board member participated.

The School Board shall not consider the identity of the member making the request or the matters that will be considered or voted on at the meeting. The School Board shall make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 2.2-3708.1.

*Adopted: June 9, 2015*

*Amended: June 13, 2017*

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