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SCHOOL BOARD LEGAL STATUS

The School Board of New Kent County derives its authority from the Constitution of Virginia, the Code of Virginia, and the regulations of the State Board of Education.

The New Kent County School Board members are officers of the Commonwealth.

The New Kent County School Board governs the school division.

The school board is a corporate body whose official title is the New Kent County School Board.

Adopted: July 1, 1998
Revised: November 5, 2001
Reviewed: November 19, 2012
Revised: May 6, 2013

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

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

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

SCHOOL BOARD POWERS AND DUTIES

The School Board:

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

- surveys, at least annually, the school division to identify critical shortages of teachers and administrative personnel by subject matter, and school bus drivers and reports such critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System or requests the superintendent to conduct such survey and submit such report to the school board, the Superintendent of Public Instruction, and the Virginia Retirement System; and
- ensures that the public schools within the school division are registered with the Department of State Police to receive electronic notice of the registration or re-registration of any sex offender within the school division pursuant to Va. Code§ 9.1-914.

Adopted: February 1, 1999
Adopted: August 2, 2004
Revised: August 7, 2006
Revised: August 6, 2007
Reviewed: November 19, 2012
Revised: May 19, 2014
Revised: August 31, 2020
Revised: April 12, 2021

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

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

BOARD MEMBER AUTHORITY

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

Adopted: July 1, 1998
Reviewed: November 19, 2012
Revised: May 6, 2013

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

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

QUALIFICATIONS OF SCHOOL BOARD MEMBERS

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

No employee of the school board may serve on the board.

Adopted: July 1, 1998
Revised: April 2, 2012
Revised: April 12, 2021

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

Cross Ref: BBE - Unexpired Term Fulfillment

BOARD MEMBER OATH OF OFFICE

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

Adopted: July 1, 1998
Revised: June 3, 2002
Revised: June 2, 2003
Revised: May 3, 2004
Revised: August 1, 2011
Reviewed: November 19, 2012
Revised: July 13, 2015

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

BOARD MEMBER REMOVAL FROM OFFICE

Any school board member may be removed from office in accordance with the provisions of Sections 24.2-230 through 24.2-238 of the Code of Virginia.

Adopted: July 1, 1998
Revised: May 7, 2007
Reviewed: November 19, 2012

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

UNEXPIRED TERM FULFILLMENT

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

Adopted: July 1, 1998
Revised: November 5, 2001
Revised: June 2, 2003
Reviewed: November 19, 2012
Revised: May 8, 2015
Revised: August 7, 2017

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-2802, 15.2-410, 15.2-531, 15.2-837, 15.2-627, 22.1-39, 22.1-40, 22.1-44, 22.1-47, 22.1-50, 22.1-53, 22.1-57.3, 24.2-226, 24.2-228.

CONFLICT OF INTERESTS AND DISCLOSURE OF ECONOMIC INTERESTS

A. Purpose

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

B. Areas of Regulation

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

- Special anti-nepotism rules relating to school board members or superintendents of schools.
- General rules governing public conduct by school board members regarding acceptance of gifts and favors.
- Prohibited conduct regarding contracts.
- Required conduct regarding transactions.
- Disclosures required from school board members
- Training requirements for elected School Board members

C. Definitions

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

“Affiliated business entity relationship” means a relationship, other than a parent-subsidary relationship, that exists when

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

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

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

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

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

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

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

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include any offer of a ticket, coupon or other admission or pass unless the ticket, coupon, admission, or pass is used; honorary degrees; any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution or program's financial aid standards and procedures applicable to the general public; a campaign contribution properly received and reported pursuant to Va. Code § 24.2-945 et seq.; any gift related to the private profession, occupation or volunteer service of the School Board member or employee or of a member of the School Board member's or employee's immediate family; food or beverages consumed while attending an event at which the School Board member or employee is performing official duties related to his public service; food and beverages received at or registration or attendance fees waived for any event at which the School Board member or employee is a featured speaker, presenter or lecturer; unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento or similar item that is given in recognition or public, civic, charitable or professional service; a devise or inheritance; travel disclosed pursuant to the Campaign Finance Disclosure Act (Va. Code § 24.2-945 et seq.); travel paid for or provided by the government of the United States, any of its territories or any state or any political subdivision of such state; travel related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any board, commission,

authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; gifts with a value of less than \$20; attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; or gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or donee's spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, step-sister, the donee's brother's or sister's spouse or the donee's son-in-law or daughter-in-law. For the purpose of this definition, "personal friend" does not include any person that the school board member or employee knows or has reason to know is (a) lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (b) a lobbyist's principal as defined in Va. Code § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to contract with the school board. For purposes of this definition, "person, or business" includes individuals who are officers, directors or owners of or who have a controlling ownership interest in such organization or business.

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

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

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

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

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

- ownership in a business if the ownership interest exceeds three percent of the total equity of the business;
- annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business;

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

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

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

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

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

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

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

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

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

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

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

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

1. Prohibited Conduct

No member or employee of the board, shall:

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

2. Prohibited Gifts

For purposes of this subsection:

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

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

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

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

- a gift of food and beverages, entertainment or the cost of admission with a value in excess of \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the Statement of Economic Interests;
- a gift from a foreign dignitary with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth or a locality, but the value of such gift shall not be required to be disclosed;
- certain gifts with a value in excess of \$100 from a lobbyist, lobbyist’s principal or a person, organization or business who is or is seeking to become a party to a contract with the school board if such gift was provided to such school board member or employee or a member of the immediate family of the school board member or employee on the basis of a personal friendship. A lobbyist, lobbyist’s principal or a person, organization or business who is or is seeking to become a party to a contract with the school board may be a personal friend of such school board member or employee or the immediate family of the school board member or employee. In determining whether a lobbyist, lobbyist’s principal or a person, organization

or business who is or is seeking to become a party to a contract with the school board is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in Va. Code §§ [2.2-3117](#) or [30-111](#); and

- gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the school board when the school board member or employee has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to Va. Code § [30-356.1](#). Such gifts shall be reported on the Statement of Economic Interests.

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

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

3. Awards to Employees for Exceptional Service

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

F. Prohibited Conduct Regarding Contracts

1. No school board member or employee shall have a personal interest in (i) any contract with the school board or (ii) any contract with any government agency which is subject to the ultimate control of the school board;

2. Exceptions--The above prohibition is not applicable to:

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

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

G. Prohibited Conduct Regarding Transactions

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

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

 - (i) attend any portion of a closed meeting authorized by the Virginia Freedom of Information Act when the matter in which he has a personal interest is discussed; or
 - (ii) discuss the matter in which he has a personal interest with other governmental officers or employees at any time.
 - b. May participate in the transaction if he is a member of a business, profession, occupation, or group of three or more persons, the members of which are affected by the transaction, and he complies with the declaration requirements of Va. Code § 2.2-3115.H;
 - c. May participate in the transaction when a party to the transaction is a client of his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements of Va. Code § 2.2-3115.I; or
 - d. May participate in the transaction if it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.

2. Disqualification under this section shall not prevent any employee having a personal interest in a transaction in which his employer is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of this policy.
3. If disqualifications under subsection 1.a. of this section leave less than the number required by law to act, the remaining member or members of the board shall constitute a quorum for the conduct of business and have authority to act for the board by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.
4. The provisions of this section shall not prevent a board member or employee from participating in a transaction merely because such a board member or employee is a defendant in a civil legal proceeding concerning such transaction.

H. Disclosure Requirements

1. School board members file, as a condition of assuming office, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to Va. Code § 2.2-3117 and shall thereafter file such statement annually on or before February 1. The disclosure forms are filed and maintained as public records for five years in the office of the clerk of the school board.
2. School board members and employees required to file the Statement of Economic Interests who fail to file such a form within the time period prescribed shall be assessed a civil penalty of \$250. The clerk of the school board shall notify the attorney for the Commonwealth for the locality of any school board member's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty. The clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for filing.
3. Any board member or employee who is disqualified from participating in a transaction under Section G.1.a. of this policy, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate and such disclosure shall be reflected in the school board's public records in the division superintendent's office for a period of five (5) years.

4. Any board member or employee who is required to disclose his interest under Section G.1.b. of this policy shall declare his interest by stating:
- the transaction involved,
 - the nature of the board member's personal interest affected by the transaction,
 - that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and
 - that he is able to participate in the transaction fairly, objectively, and in the public interest.

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

The board member or employee shall also orally disclose the existence of the interest during each school board meeting at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

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

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

I. Release of Disclosure Forms

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

Deadline and Coverage Periods for Disclosure Forms

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

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

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

J. Training Requirements for Elected School Board Members

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

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

K. Advisory Opinions

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

Adopted:	July 1, 1998	Revised:	June 17, 2013
Revised:	November 5, 2001	Revised:	January 7, 2015
Revised:	June 3, 2002	Revised:	May 8, 2015
Revised:	September 3, 2003	Revised:	July 13, 2015
Revised:	August 7, 2006	Revised:	May 9, 2016
Revised:	August 6, 2007	Revised:	July 18, 2016
Revised:	November 3, 2008	Revised:	April 28, 2017
Revised:	July 12, 2010	Revised:	August 7, 2018
Revised:	August 1, 2011	Revised:	August 5, 2019
Revised:	August 6, 2012	Revised:	August 31, 2020

Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115, 2.2-3118.2, 2.2-3119, 2.2-3121, 2.2-3124, 2.2-3132, and 30-356.

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

SCHOOL BOARD ORGANIZATIONAL MEETING

The New Kent County School Board holds an organizational meeting annually. At

that meeting the board

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

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

In addition, the board

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

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

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

annual organizational meeting is held in January.

Adopted: July 1, 1998
Revised: Sept. 4, 2002
Reviewed: November 19, 2012
Revised: May 6, 2013
Revised: July 12, 2021

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

Cross Ref.: BCB School Board Officials

SCHOOL BOARD OFFICERS

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

School Board Chairman

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

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

Vice-Chairman

The vice-chairman, if present, shall preside in the absence of the chairman, and is empowered to act in all matters in case of the absence or inability of the chairman to act or as provided by resolution of the school board. If neither the chairman nor vice-chairman is present, a majority of board members present, if they constitute a quorum, shall elect one from among themselves to chair the meeting.

Adopted: July 1, 1998
Revised: Sept. 4, 2002
Reviewed: November 19, 2012
Revised: May 6, 2013

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

Cross Ref.: BCA School Board Organizational Meeting

SCHOOL BOARD CLERK AND DEPUTY CLERK

On recommendation of the superintendent, a clerk and a deputy clerk are appointed annually at the organizational meeting of the school board.

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

Adopted: July 1, 1998
Revised: August 1, 2011
Revised: November 19, 2012
Revised: July 13, 2015

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

SCHOOL BOARD CLERK AND DEPUTY CLERK GUIDELINES

Clerk and Deputy Clerk: Election and Duties

A. Election

A clerk and deputy clerk shall be elected annually by the board at the organizational meeting and shall hold office until their successors are elected.

They shall furnish the board a surety bond. The board shall fix the amount of such bonds in an amount not less than ten thousand dollars and the premiums shall be paid out of school funds.

B. Duties

The duties of the clerk of the board shall be:

1. To keep a record of proceedings of all meetings of the school board.
2. To keep safely all books, papers, and reports pertaining to his/her office and furnish copies of any papers or reports when required for publication to be sent to each member thereof.
3. To cause written or printed notices of all regular and special meetings of the school board and committees to be sent to each member thereof.
4. To notify the proper state and municipal authorities in writing that school board members have qualified before the proper authority following their appointment and also to notify them concerning election of school board officers and all vacancies in the membership of the school board.
5. To make and keep a full and accurate description with location, of all real estate and an inventory of all property under the management control of the school board.
6. To perform such other duties as may be required by law, the Board of Education, the superintendent, or the board.

NKSB Review: November 19, 2012

SCHOOL BOARD COMMITTEES

There shall be no standing committees of the New Kent County School Board.

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

Adopted: July 1, 1998
Revised: November 5, 2001
Revised: June 2, 2003
Reviewed: November 19, 2012
Revised: May 6, 2013

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

Cross Refs.: BCEA Disciplinary Committee
 BDA Regular School Board Meetings
 BDB Special School Board Meetings
 BDC Closed Meetings
 GB Equal Employment Opportunity/Non-Discrimination

ADVISORY COMMITTEES TO THE SCHOOL BOARD

The school board may appoint advisory councils or committees of citizens of the school division for consultation with reference to specific matters pertaining to local schools. In addition, pursuant to Board of Education regulations, the school board establishes advisory committees for the following programs: Special Education and Career and Technical Education. These committees shall serve without compensation for one year terms.

In addition, the School Board establishes the following advisory bodies:

- Community Safety Committee
- Career & Technical Education (CTE) Advisory Committee
- Gifted Education Advisory Committee
- School Health Advisory Board (SHAB)
- Sick Leave Bank Committee
- Special Education Advisory Committee (SEAC)
- Superintendent's Parent Advisory Committee
- Superintendent's Teacher Advisory Committee
- Title I Parent Advisory Committee
- Wellness Committee

Adopted: July 1, 1998
Revised: November 5, 2001
Revised: September 4, 2002
Revised: June 2, 2003
Revised: June 6, 2005
Revised: July 12, 2010
Revised: May 8, 2015
Revised: May 2, 2011
Revised: August 20, 2012
Revised: June 17, 2013
Revised: May 8, 2015
Revised: July 13, 2020

Legal Refs.: 20 U.S.C. §§ 5964, 6318.

Code of Virginia, 1950, as amended, §§ 22.1-16, 22.1-18.1, 22.1-86, 22.1-214, 22.1-227, 22.1-275.1, 22.1-279.8.

8 VAC 20-40-60.

8 VAC 20-81-230.

8 VAC 20-120-50.

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

SCHOOL ATTORNEY

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

Adopted: July 1, 1998
Reviewed: November 19, 2012
Revised: July 13, 2015

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

REGULAR SCHOOL BOARD MEETINGS

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

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

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

The school board gives notice of its meetings in accordance with Policy BDDA Notification of school board meetings.

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

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

Minutes of all regular school board meetings are recorded in accordance with Policy BDDG Minutes.

Adopted: July 1, 1998
Revised: June 3, 2002
Revised: July 12, 2010
Reviewed: November 19, 2012
Revised: May 8, 2015
Revised: August 7, 2017
Revised: September 7, 2018

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

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

SPECIAL SCHOOL BOARD MEETINGS

The school board holds special and continued meetings when necessary. Special meetings are held when called by the chairman or when requested by two or more members. Special meetings may be called provided each member is 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 is not transacted at any special meeting of the school board unless the members present unanimously agree to consider additional items of business.

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

Adopted: July 1, 1998
Revised: June 3, 2002
Revised: April 2, 2012
Revised: August 7, 2017

Legal Refs.: Code of Virginia, 1950, as amended, sections 2.2-3707, 22.1-72

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

CLOSED MEETINGS

- A. Closed meetings may be held by the school board or any committee thereof only in accordance with Virginia law, for purposes including the following:
1. Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the school board. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter which involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the school board. The school board may not, however, discuss the compensation of board members in closed session.
 2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student in the New Kent County school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents or guardians so request in writing and such request is submitted to the presiding officer of the school board.
 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the school board.
 4. The protection of the privacy of individuals in personal matters not related to public business.
 5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
 6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where if made public initially the financial interest of the school board would be adversely affected.
 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the school board. For purposes of this subsection, "probable litigation" means litigation which has been specifically threatened or on which the school board or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. The closure of a meeting is not permitted merely because an attorney representing the school board is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by the school board regarding specific legal matters requiring the provision of legal advice by such counsel. The closure of a meeting is not permitted merely because an attorney representing the school board is in attendance or is consulted on a matter.
 9. Discussion or consideration of honorary degrees or special awards.
 10. Discussion or consideration of tests or examinations or other information used, administered or prepared by a public body and subject to the exclusion in subdivision 4 of Va. Code § 2.2-3705.1.
 11. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the school board in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the school board or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.
 12. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of Va. Code § 2.2-3705.5.
 13. Discussion of plans to protect public safety as it relates to terrorist activity or specific cyber security threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 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 or consideration of information subject to the exclusion in subdivision 11 of Va. Code § 2.2-3705.6 (the Public Private Education Facilities and Infrastructure Act) by the school board or any independent review panel appointed to review information and advise the school board concerning such information.
 15. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the school board.
- B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the school board, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.

- C. The school board or any committee thereof may permit nonmembers to attend a closed meeting of the board or committee if such persons are deemed necessary or if their presence will reasonably aid the board or committee in its consideration of a topic which is a subject of the meeting.

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

Adopted: June 1, 1999
Revised: November 5, 2001
Revised: June 3, 2002
Revised: August 2, 2004
Revised: August 1, 2005
Revised: August 6, 2007
Reviewed: November 19, 2012
Revised: May 6, 2013
Revised: July 13, 2015
Revised: July 18, 2016
Revised: August 7, 2017

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

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

CALLING AND CERTIFICATION OF CLOSED MEETINGS

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

- E. Except as specifically authorized by law, in no event may the school board or committee thereof take action on matters discussed in any closed meeting, except at an open meeting for which notice was given pursuant to Code § 2.2-3707.

- F. The School Board is subject to a civil penalty of up to \$1,000 if a court finds that the Board voted to certify a closed meeting in accordance with Section C above and such certification was not in accordance with FOIA.

Adopted: June 1, 1999
Revised: June 2, 2003
Reviewed: November 19, 2012
Revised: May 6, 2013
Revised: August 7, 2017
Revised: August 5, 2019

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

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

ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS

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

For purposes of this policy, “electronic communication” means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

I. Quorum Physically Assembled

- A. The school board may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if 1) on or before the day of a meeting, a member of the school board notifies the chair that such member is unable to attend the meeting due to temporary or permanent disability or other medical condition that prevents the member’s physical attendance, a family member’s medical condition that requires the member to provide care for such family member, thereby preventing the member’s physical attendance, or that such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter; and 2) the school board approves the member’s participation by a majority vote of the members present at the primary or central meeting location.

Participation by a school board member by electronic communication means due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

- B. If participation by a school board member through electronic communication means is approved pursuant to subsection A above, the school board records in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved due to a temporary or permanent disability or other medical condition, the school board also includes in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member’s physical attendance. If participation is approved due to a personal matter, the school board also includes in its minutes the specific nature of the personal matter cited by the member.

If a school board member’s participation from a remote location due to a personal matter is disapproved, such disapproval is recorded in the minutes with specificity.

- C. A school board member may participate in a meeting by electronic means pursuant to Subsections A and B above only when:
- a quorum of the school board is physically assembled at one primary or central meeting location; and

- the school board makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

II. Quorum Not Physically Assembled

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

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

If it holds a meeting pursuant to this section, the school board

- gives public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the school board; ~~and~~
- makes arrangements for public access to the meeting through electronic communications means, including videoconferencing if already used by the school board, and
- provides the public with the opportunity to comment at those meetings when public comment is customarily received.

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

Adopted:	August 6, 2007	Revised:	November 2, 2015
Revised:	November 3, 2008	Revised:	August 7, 2017
Revised:	November 19, 2012	Revised:	September 7, 2018
Revised:	June 17, 2013	Revised:	August 31, 2020
Revised:	May 19, 2014	Revised:	July 12, 2021
Revised:	July 7, 2014		

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

Acts 2020, c. 1283.

Cross Ref.: BDDG Minutes

NOTIFICATION OF SCHOOL BOARD MEETINGS

Regular Meetings

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

Special Meetings

Notice, reasonable under the circumstance, of special, emergency or continued meetings shall be given contemporaneously with the notice provided to members of the school board or committee.

Notification of Closed meetings held solely for the purpose of interviewing candidates for the position of superintendent

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

Direct Notification

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

Adopted: June 1, 1999
Revised: June 3, 2002
Revised: May 18, 2009
Reviewed: November 19, 2012
Revised: May 6, 2013
Revised: August 7, 2017

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

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

AGENDA PREPARATION AND DISSEMINATION

The preparation of the proposed agenda shall be the responsibility of the school board chair with the assistance of the superintendent. Any member of the school board may submit items for inclusion on the proposed agenda.

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

Adopted: July 1, 1998
Revised: June 3, 2002
Revised: May 7, 2007
Reviewed: November 19, 2012
Revised: May 19, 2014
Revised: August 7, 2017
Revised: April 12, 2021

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

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

QUORUM

At any meeting of the New Kent School Board, a majority of the board constitutes a quorum.

Adopted: July 1, 1998
Reviewed: November 19, 2012
Revised: July 13, 2015

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

RULES OF ORDER

The New Kent School Board establishes rules of order and may adopt bylaws, policies and regulations.

Adopted: July 1, 1998
Revised: March 21, 2011
Revised: August 1, 2011
Revised: November 19, 2012
Revised: July 13, 2015

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

RULES OF ORDER GUIDELINES

School Board Meetings/Agenda

Conduct of Meetings

In the conduct of all meetings, the school board shall follow Robert's Rules of Order, Newly Revised, except as otherwise provided by regulations, laws or board policy. No one who is not a member of the school board shall be permitted to address the school board without the permission of the chairman of the school board. Persons wishing to address the board shall be recognized as provided by board policy. The normal order of business at a regular meeting of the school board shall be as follows:

- A. Closed Session (A Closed Session may be called prior to, at the close of, or at any other time during the course of a meeting that the school board may deem necessary.)
- B. Call to Order/Pledge of Allegiance
- C. Announcements, Communications, School Board Comments
- D. Presentations/Recognitions
- E. Consent Agenda (Approval of Minutes, Bills and Payroll, Recommendations regarding Personnel and Student Matters, etc.)
- F. Citizen Comment Period
- G. New Business/Old Business
- H. Action Items
- I. Informational Items
- J. Adjournment

NKSB Review: November 19, 2012

Revised: April 28, 2017

VOTING METHOD

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

In any case in which there is a tie vote of the school board when all members are not present, the question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there is a tie vote on any question after 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 immediately notify the tie breaker, if any, to vote as provided in the Code of Virginia § 22.1-75. If no tie breaker has been appointed or elected as authorized by state law, any tie vote shall defeat the motion, resolution or issue voted upon.

Adopted: July 1, 1998
Revised: June 3, 2002
Revised: August 7, 2006
Revised: August 6, 2007
Reviewed: November 19, 2012
Revised: May 19, 2014
Revised: January 7, 2015
Revised: August 5, 2019 (No changes made, VSBA changed footnotes associated with Policy)

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

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

MINUTES

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

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

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

Minutes are not required to be taken at deliberations of study commissions or study committees, or any other committees or subcommittees appointed by the school board except where the membership of any such commission, committee or subcommittee includes a majority of the school board.

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

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

Adopted: June 1, 1999
Revised: June 3, 2002
Revised: November 3, 2008
Reviewed: November 19, 2012
Revised: August 7, 2017
Revised: April 15, 2019

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

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

PUBLIC PARTICIPATION AT SCHOOL BOARD MEETINGS

Members of the community are invited and encouraged to attend meetings of the New Kent County School Board to observe its deliberations. Any member of the community may address the board on matters related to the New Kent County Public Schools at any regular meeting as follows:

Those wishing to address the board are requested to contact the superintendent, the school board chair, or their designee for placement on the agenda prior to the meeting or should sign up on the list provided at the meeting and, when called to speak, limit their comments to three minutes. It is customary for the school board to not make comment during “Citizen Comment” periods. The superintendent will provide response to comments and questions during the next regular monthly meeting. Individual problems and concerns are best handled through administrative channels, with the board acting as the source of appeal beyond the level of the superintendent.

The chair is responsible for the orderly conduct of the meeting and rules on such matters as the appropriateness of the subject being presented and length of time for such presentation. Upon recognition by the chair, the speaker shall address the chair and if, at the conclusion of the speaker’s remarks, any member of the school board desires further information, the member addresses the speaker only with the permission of the chair. No one is allowed to make additional presentations until everyone who wishes to speak has an opportunity to make an initial presentation.

Adopted: July 1, 1998
Revised: August 2, 2004
Revised: November 3, 2008
Revised: July 2, 2012
Revised: May 19, 2014
Revised: July 18, 2016
Revised: April 12, 2021

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

Cross Ref.: BDDE Rules of Order

BOARD POLICY MANUAL

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

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

Adopted: July 1, 1998
Revised: August 2, 2004
Revised: August 6, 2007
Reviewed: November 19, 2012
Revised: June 17, 2013

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

Cross Ref.: BFC Policy Adoption
CH Policy Implementation

POLICY ADOPTION

It is the responsibility of the school board to adopt policies for governing the school division. The power to enact policy cannot be delegated to an employee or agent such as the superintendent or a single member of the school board.

Policy is a basic statement of the intent of the school board which creates rights and responsibilities for the conduct of the school division'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 superintendent and staff, subject to change as conditions and/or circumstances may dictate.

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

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

Unless otherwise provided, when policies are adopted, altered or replaced, the new or revised policy shall become effective upon adoption.

All regulations for implementation of the policies shall be developed by or through the superintendent. They shall be presented to the school board as information items, unless the school board informs the superintendent that it wants to act on a specified regulation.

Where changes in policy and/or regulations are made, these shall be prepared and distributed to all concerned for insertion into the policy and/or regulations manuals so that action of the school board may be implemented as soon as possible.

Adopted: July 1, 1998
Revised: June 2, 2008
Revised: January 6, 2010
Reviewed: November 19, 2012
Revised: June 17, 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:7.
Underwood v. Henry County School Board, 245 Va. 127, 427 S.E.2d 330,
(1993).

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

ADMINISTRATION IN POLICY ABSENCE

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

Adopted: July 1, 1998
Revised: August 1, 2011
Reviewed: November 19, 2012
Revised: July 13, 2015

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

BOARD-STAFF COMMUNICATIONS

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

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

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

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

Adopted: July 1, 1998
Revised: August 2, 2004
Revised: November 3, 2008
Revised: July 2, 2012
Revised: May 19, 2014
Revised: April 15, 2019

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

GUIDELINES FOR BOARD-STAFF COMMUNICATIONS

The superintendent shall communicate with staff in a manner that allows for two-way communications and shall maintain an “open door” policy where staff members are free to call or meet with the superintendent at their request.

The superintendent shall establish a communication program for the staff of the school system, which will include the following:

- A. Planned, regular and recurring personal contacts between the central administration and personnel in the schools;
- B. School system and school-wide meetings of faculty and key operational personnel;
- C. School system-wide written communications media;
- D. System-wide reports;
- E. System-wide process to recognize the achievements and contributions of staff at all levels;
- F. Individual school and system-wide procedures for two-way communications; and
- G. The establishment of the Superintendent’s Advisory Committee which is comprised of staff representatives from all schools and departments and provides an opportunity for discussion and information exchange.

In addition, the various other advisory committees provide a means for staff as well as community representative to offer ideas and suggestions in the decision making process.

NKSB Review: November 19, 2012

SCHOOL BOARD MEMBER IN-SERVICE ACTIVITIES

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 our 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 local 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; the evaluation of personnel; 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 through 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 the National School Boards Association.
2. Division-sponsored training sessions for school board members.
3. Subscriptions to publications addressed to the concerns of school board members.

Adopted: July 1, 1998
Revised: June 3, 2002
Revised: August 2, 2004
Revised: August 1, 2005
Revised: June 2, 2008
Reviewed: November 19, 2012
Revised: June 17, 2013

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

SCHOOL BOARD MEMBER COMPENSATION AND BENEFITS

Each member of the New Kent County School Board receives an annual salary as provided by law.

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

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

Adopted: July 1, 1998
Revised: Sept. 3, 2003
Revised: June 2, 2008
Reviewed: November 19, 2012
Revised: April 15, 2019

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

Cross Ref.: BHE School Board Member Liability Insurance

SCHOOL BOARD MEMBER LIABILITY INSURANCE

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

Adopted: July 1, 1998
Revised: June 2, 2008
Reviewed: November 19, 2012
Revised: April 15, 2019

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

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