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BOARD GOVERNANCE AND OPERATIONS

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1.1—LEGAL STATUS OF THE BOARD OF DIRECTORS

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

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

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

Legal Reference: A.C.A. § 6-13-620

Date Adopted:
Last Revised:

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1.2—BOARD ORGANIZATION and VACANCIES

Election of Officers
The Board shall elect a president, vice president, secretary[1], and legislative liaison[2] at the first regular meeting following the later of: the certification of the results of the annual school election; or if there is a runoff election, at the first regular meeting following the certification of the results of a run-off election. Officers shall serve one-year terms and perform those duties as prescribed by policy of the Board. The Board shall also elect through a resolution passed by a majority vote one of its members to be the primary board disbursing officer and may designate one or more additional board members as alternate board disbursing officers.[3] A copy of the resolution will be sent to the county treasurer and to the director of the Department of Finance and Administration.

When the position of an officer of the board becomes vacant, the officer's position shall be filled for the remainder of the year in the same manner as for the annual election of officers after the annual school election. Election of Board officers shall not occur except on a once per year basis or to fill an officer vacancy.[4]

Vacancies
A vacancy shall exist on the Board if a board member:
1. Moves his or her bona fide permanent residence outside the boundaries of the school district;
2. Fails to physically attend three (3) consecutive regular meetings of the school district board of directors;
3. Fails to physically attend six (6) regularly scheduled board meetings of the school board of directors in a calendar year;
4. Fails to receive the mandatory hours of training within the statutory time period;
5. Is convicted of a felony;
6. Is called to active military duty;
7. Has served a full-length term as a holdover and has not subsequently been elected to another term;[5]
8. Resigned from the school board of directors; or
9. Dies.

If credible evidence of a vacancy existing due to numbers 1 through 4 is presented to the president, vice president, or secretary of a school district board of directors, a majority of the members of the school district board of directors shall:
- Vote on whether to appoint an independent investigator to investigate the credible evidence presented; and
- Hold a hearing on the existence of a vacancy.[6]

A vacancy does not exist for numbers 2, 3, and 4 if the reason for the member's absences or failure to receive training is either:
a) Military service of the board member; or
b) Illness of the board member that is verified by a written sworn statement of the board member's attending physician.

When a vacancy occurs on the board of directors, a successor to a vacated position shall be appointed:

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I. If at least a quorum of the Board remains, by the remaining Board of Directors within thirty (30) days for vacancies resulting from numbers 1 through 8 above and up to sixty (60) days for vacancies due to the board member's death; or

II. If less than a quorum of the Board remains or the Board fails to fill the vacancy within the time permitted, by the county quorum court.

The successor to a vacant position must be registered to vote in the District and, if applicable, reside in the zone of the vacant position.[7]

When a vacancy on the Board resulted from a board member's failure to receive the required training within the statutory time period, the board shall not appoint the individual who failed to receive the required training to fill the vacancy.

Except for a temporary vacancy due to military service, an individual appointed to fill a vacancy shall serve until the annual school election following the appointment. An individual appointed to fill a temporary vacancy due to military service shall serve until either the Board member who has been called to active military service returns and notifies the Board secretary of his/her desire to resume service on the Board or the Board member's term expires. If a Board member's term expires while the board member is on active military duty, the board member may run for re-election; if re-elected, the re-elected Board member's temporary vacancy shall be filled again in the manner prescribed in this policy.

The secretary of the school district board of directors shall notify the county clerk of an appointment to the school district board of directors within five (5) days of the appointment being made. The notice shall include the name of the appointed board member and the expiration date of his or her term.

An individual appointed to fill a vacancy must submit proof of having received the oath of office to the county clerk before the individual may assume any duties.

Notes: [1] While A.C.A. § 6-13-618 provides the option to elect an individual who is not a member of the board to serve as Secretary, we strongly advise against doing so because the position of secretary has several powerful statutory authorities, which include co-signing some documents and the calling of special board meetings. The board member elected as Secretary does NOT have to be the individual who also takes the minutes and, in fact, seldom is. If you choose to have a staff member be responsible for recording the minutes, which allows the board members to focus on the meeting rather than on taking notes, be sure to look at Policy 8.11—OVERTIME, COMPTIME, and COMPLYING WITH FLSA.

[2] The legislative liaison position is not statutorily required but is requested by ASBA so each board has at least one individual selected to receive and respond to ASBA's legislative updates. A longer explanation and list of duties can be found in Policy 1.20—DUTIES OF THE LEGISLATIVE LIAISON. Your district could choose to make it part of another officer's duties rather than a separate office.

[3] You do not have to elect alternate disbursing officers, but ASBA strongly recommends you do so to avoid possible disruption of payroll and bill paying in the event that the district's disbursing officer is unavailable due to travel or illness, not re-elected, resigns from the board

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or dies. If you do choose to elect alternate disbursing officers change the first sentence in Policy 1.16 to reflect the allowance of signatures of alternate disbursing officers. If you choose to not have alternate disbursing officers delete that portion of the sentence in this policy. Among the considerations in choosing whether to have alternate disbursing officers is the question of how many possible signatories your district is comfortable having. At the same time, it needs to be considered whether you choose to have all signatures handwritten or if you will allow facsimile signatures. Facsimile signatures effectively negate the need for alternate disbursing officers.

Our recommended language for the resolution on the election of disbursing officers is: *The_____ School District Board of Directors resolves that _____ is our disbursing officer and (if applicable) ____ is our alternative disbursing officer.*

[4] This sentence is optional; there is no statutory restriction on how often the board can elect its officers. We have included it, however, because multiple elections in a year can be disruptive to a board.

[5] For a full explanation of holdovers see policy 1.19.

[6] The requirements for the hearing are set forth at A.C.A. § 6-13-611(b)(2) through (6).

[7] While the language requiring an individual to reside within the same zone as the vacant position in order to be appointed to a zoned position is a statutory requirement, you may remove the language requiring the individual to be appointed to reside in the same zone as the vacant position if all of your positions on the board are elected at large instead of zoned.

Cross References:
1.3—DUTIES OF THE PRESIDENT
1.4—DUTIES OF THE VICE-PRESIDENT
1.5—DUTIES OF THE SECRETARY
1.11—BOARD MEMBER TRAINING
1.16 —DUTIES OF BOARD DISBURSING OFFICER
1.19—BOARD MEMBER LENGTH OF TERM and HOLDOVERS
1.20—DUTIES OF THE LEGISLATIVE LIAISON

Legal References:
A.C.A. § 6-13-611
A.C.A. § 6-13-612
A.C.A. § 6-13-613
A.C.A. § 6-13-616
A.C.A. § 6-13-618
A.C.A. § 6-13-629

Date Adopted:
Last Revised:

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1.3—DUTIES OF THE PRESIDENT

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

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

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

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

Date Adopted:
Last Revised:

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1.4—DUTIES OF THE VICE-PRESIDENT

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

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

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1.5—DUTIES OF THE SECRETARY

The duties of the Secretary of the Board shall include:

1. Being responsible to see that a full and accurate record of the proceedings of the Board are permanently kept and shall;
    a. Record in the minutes, the members present, by name, at the meeting including the time of any member's late arrival to, or early departure from, a meeting;
    b. Record the outcome of all votes taken including the time at which the vote is taken.
1. Serving as presiding officer in the absence of the President and the Vice President;
2. Being responsible for official correspondence of the Board;
3. Signing all official documents that require the signature of the Secretary of the Board of Education;
4. Calling special meetings of the Board; and
5. Performing such other duties as may be prescribed by the Board.

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

Date Adopted:
Last Revised:

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1.6—BOARD MEMBER VOTING

Establishment of a Quorum

A quorum of the Board is a majority of the membership of the Board. No vote or other board action may be taken unless there is a quorum present. Except as provided in Policy 1.6.1—ATTENDING MEETINGS REMOTELY[1], a Board member must be physically present at a meeting to be counted toward establishing a quorum or to be eligible to vote. A majority of the quorum voting affirmatively is necessary for the passage of any motion. A quorum must be physically present for a board to enter executive session for any reason.

Voting and failure to vote

Except as provided in Policy 1.6.1—ATTENDING MEETINGS REMOTELY[1], all Board members, including the President, shall vote on each motion, following a second[2] and discussion of that motion.

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

Only those votes taken by the Board in open session are legally binding. No motion made or vote taken in executive session is legally binding, although a non-binding, unofficial and non-recorded vote may be taken in executive session to establish consensus or further discussion.

Abstentions from Voting

In order for a Board member to abstain from voting, he must declare a conflict and remove himself from the meeting room during the vote. A Board member who removes himself/herself from a meeting during a vote due to a conflict of interest shall not be considered present at the meeting for the purpose of establishing a quorum until the member returns to the meeting after the vote.

In accordance with Policy 1.6.1, a board member who is attending remotely shall be treated as having left the room for any vote on an item discussed in executive session even if the board member is remotely present for the vote. The minutes shall record the board member attending remotely by name and describe the board member as non-voting in accordance with A.C.A. § 6-13-619(d)(3)(B)(ii).[1]

Notes: [1] A.C.A. § 6-13-619(d) permits a school board to adopt a policy to allow members to attend meetings remotely. If you do not wish to allow board members to attend meetings remotely, delete this exception and do not adopt Policy 1.6.1.

[2] There is no statutory requirement that a motion be seconded. If your Board so chooses, it could decide to dispense with the requirement for a second and amend the sentence accordingly.

Cross Reference: 1.6.1—ATTENDING MEETINGS REMOTELY

Legal Reference: A.C.A. § 6-13-619

Date Adopted:
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1.6.1—ATTENDING MEETINGS REMOTELY

The Board of Directors permits members who would be otherwise unable to physically attend a board meeting to attend the meeting remotely. Except where prohibited by this policy, a board member who attends remotely shall have the same rights and privileges as if the board member were physically present. A board member who will be unable to physically attend a board meeting is responsible for notifying the superintendent at least one (1) hour prior to the scheduled meeting time that the member will be unable to physically attend the meeting and intends to attend remotely.[1]

The method used to permit members of the board of directors to attend remotely shall:

1) Provide a method for the president or secretary of the board of directors to verify the identity of the member(s) attending remotely;[2]
2) Allow the members of the Board physically present and members of the public to hear the member(s) attending remotely at all times; and
3) Allow the member(s) attending remotely to hear the members of the board of directors physically present at the meeting at all times and any public comment.

A board member attending remotely shall not:

a) Attend an executive session or closed hearing; or
b) Vote on an issue that is the subject of an executive session or closed hearing.

The Board minutes shall indicate if a board member is attending remotely and the method used to permit the member to attend remotely. If an executive session occurs during a meeting when a board member is attending remotely, the minutes will treat the board member attending remotely as though the member had left the room for any vote on a subject discussed in the executive session.

Up to three (3) times per calendar year, the board of directors may count a board member attending remotely for the purpose of establishing a quorum.[3] A board member attending remotely used to establish a quorum shall not be counted to determine if the board may enter executive session.[4]

Notes: This is an optional policy. Your board is not required to allow board members to attend remotely. If you decide not to adopt this policy, make sure that you remove the exception language indicated by footnote 1 in Policy 1.6.

[1] The statute does not require that the superintendent be notified prior to the start of the meeting that a board member intends to attend remotely. We recommend including a notification requirement so the superintendent can make sure the remote attendance system is properly set up. However, you may remove this sentence entirely or increase the amount of time prior to the start of the meeting that notice must be provided; if you increase the notification time, be sure that the amount of time selected does not make it virtually impossible for members to attend remotely.

[2] There are multiple methods a district can use that allow the verification of an attendee's identity. A couple suggestions would be Skype; Google Hangouts; or a call in service, if the call in password was only sent to the email address of the board member who will be attending remotely.

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[3] The three (3) times when a remotely attending member may be counted towards a quorum is per board and not per each individual board member.

[4] A.C.A. § 6-13-619(c)(3) requires a quorum of the board be physically present for the board to enter executive session.

Legal Reference: A.C.A. § 6-13-619

Date Adopted:
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1.7—POWERS AND DUTIES OF THE BOARD

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

Some of the duties of the Board include:

1. Developing and adopting policies to effect the vision, mission, and direction of the District;
2. Understanding and abiding by the proper role of the Board of Directors through study and by obtaining the necessary training professional development;
3. Electing and employing a Superintendent and giving him/her the support needed to be able to effectively implement the Board's policies;
4. Conducting formal and informal evaluations of the Superintendent annually or no less often than prior to any contract extension;
5. Employing, upon recommendation of the administrative staff and by written contract, the staff necessary for the proper conduct of the schools;
6. Approving the selection of curriculum and seeing that all courses for study and educational content prescribed by the State Board or by law for all grades of schools are offered and taught;
7. Reviewing, adopting, and publishing the District's budget for the ensuing year;
8. Being responsible for providing sufficient facilities, grounds, and property and ensuring they are managed and maintained for the benefit of the district;
9. Monitoring District finances and receiving, reviewing, and approving each annual financial audit;
10. Understanding and overseeing District finances to ensure alignment with the District's academic and facility needs and goals;
11. Visiting schools and classrooms when students are present no less than annually;
12. Setting an annual salary schedule;
13. Being fiscally responsible to the District's patrons and maintaining the millage rate necessary to support the District's budget;
14. Involving the members of the community in the District's decisions to the fullest extent practicable; and
15. Striving to assure that all students are challenged and are given an equitable educational opportunity.

Legal References: A.C.A. § 6-13-620, 622

Date Adopted:
Last Revised:

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1.8—GOVERNANCE BY POLICY

The district shall operate within the legal frameworks of the State and Federal Constitutions; appropriate State and Federal statutes; State rules; Federal regulations; and court decisions. The legal frameworks governing the district shall be augmented by policies adopted by the District board of directors, which shall serve to further define the operations of the district.

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

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

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

Date Adopted:
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1.9—POLICY FORMULATION

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

The following shall be the guidelines for policy adoption for the _____ School District.

General Policies

Policies that are not personnel policies may be recommended by:
- The Board or any member of the Board;
- The Superintendent, Assistant Superintendent, any other administrator or employee of the District;
- Committee appointed by the Board; or
- Any member of the public.

Policies adopted by the Board shall be within the legal framework of the State and Federal Constitutions; appropriate State and Federal statutes; State rules; Federal regulations; and court decisions.

Except for personnel policies, when reviewing a proposed policy, the Board may elect to adopt, amend, refer back to the person proposing the policy for further consideration, take it under advisement, reject it, or refuse to consider the proposal.

Licensed and Classified Personnel Policies

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

(1) Board Proposals:

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

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

When the PPC has possessed the proposed personnel policy for a minimum of ten (10) working days from the date the PPC received the proposed policy (i.e., ten (10) workdays, not including weekends or state or national holidays), the Chairman of the PPC, or the Chairman's designee, shall be placed on the Board of Director's meeting agenda to make an oral presentation to the Board to address the

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proposed policy. Following the presentation, the Board may vote at the same meeting at which the proposal is made, or, in any case, no later than the next regular Board meeting to:

a. Adopt the Board's original proposed policy as a policy;
b. Adopt the PPC's counter proposed policy as a policy; or
c. Refer the PPC's counter proposed policy back to the PPC for further study and revision. Any such referral is subject to the same adoption process as a proposed policy originating from the board.

(2) Personnel Policies Committee Proposals:

Either PPC may recommend changes in personnel policies to the Board. When making such a proposal, the Chairman of the PPC, or the Chairman's designee, shall be placed on the Board of Director's meeting agenda to make an oral presentation to the Board.

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

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

A copy of all personnel policies shall be signed by the president of the Board of Directors and kept in a central records location.

All personnel policies must be sent to the PPC for the minimum ten (10) days regardless of the intended effective date of the policy.

Effective date of policy changes:

All personnel policy changes enacted during one fiscal year will become effective on the first day of the following fiscal year, July 1. This specifically includes any changes made between May 1 and June 30 to ensure compliance with state or federal laws; state rules; federal regulations; or the Division of Elementary and Secondary Education Commissioner's Memos. In addition, changes to policies to maintain compliance with state or federal laws; state rules; federal regulations; or Commissioner's Memos that are after June 30 but are adopted within ninety (90) days from the effective date of the legal change that created the need for the policy adoption shall become effective on the final date of adoption.

Changes made to licensed personnel policies between May 1 and June 30 that are **not** made to ensure compliance with state or federal laws; state rules; or federal regulations will take effect on July 1 of the same calendar year provided no later than five (5) working days after final board action, a notice of the change is sent to each affected employee by first class mail to the address on record in the personnel file.[1] The notice of the change must include:

a. The new or modified policy or policies provided in a form that clearly shows the additions underlined and the deletions stricken;
b. A statement that due to the change(s), the employee has the power to unilaterally rescind his/her contract for a period of thirty (30) days after the school board took final action on the

policy (policies). The rescission must be in the form of a letter of resignation within the thirty (30) day period.

Except for policy changes to ensure compliance with changes in the law that are adopted within the ninety (90) day window, for a policy change to be made effective prior to July 1 of the following fiscal year, a vote must be taken of the appropriate PPC. If the affected PPC approves the earlier effective date by a majority vote, the policy becomes effective as of the date of the vote, unless otherwise specified by the Board in requesting such vote. No PPC vote taken prior to final board action will be considered effective to make a policy change.

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

The District shall create, revise, and adopt a District student media policy in conjunction with the District's student media advisor(s) and appropriate District administrators.

The District's personnel policy committees shall annually review the District's student discipline policies along with State and District discipline data. Based on the committees' annual review, the committees may recommend changes to such policies to the Board of Directors.[2]

Parents, students, and school district personnel, including teachers, shall be involved in the development of student discipline policies.[3]

Notes: [1] Districts should plan carefully to avoid accidentally triggering the late-adopted personnel policy right of rescission. School employees who take the opportunity to escape their contractual obligations and leave the school district would be very disruptive to staffing plans for the next school year. Salary schedules for the upcoming school year, in particular, should either need to be adopted prior to May 1, or after July 1 (and requiring a vote of the applicable PPC to be effective) thus avoiding the right of rescission.

[2] This sentence is governed by Arkansas law. ASBA believes any PPC review of student discipline policies is to be initiated by the PPC. There is no district requirement to make sure it happens.

[3] ASBA believes this statutory requirement is an "umbrella" requirement for discipline policies in general rather than requiring EVERY discipline policy to go through a stakeholder committee pre-approval process. ASBA also believes input from such stakeholders is an important factor in improving discipline policies and gaining/keeping support for those policies.

Cross References: 3.0—LICENSED PERSONNEL POLICY COMMITTEE
3.1—LICENSED PERSONNEL SALARY SCHEDULE
4.14—STUDENT Media AND THE DISTRIBUTION OF LITERATURE
4.17—STUDENT DISCIPLINE
8.0—CLASSIFIED PERSONNEL POLICY COMMITTEE

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8.1—CLASSIFIED PERSONNEL SALARY SCHEDULE

Legal References: A.C.A. § 6-13-619(c)
A.C.A. § 6-13-620
A.C.A. § 6-13-636
A.C.A. § 6-17-201 et seq.
A.C.A. § 6-17-2301 et seq.
A.C.A. § 6-18-502
A.C.A. § 6-18-1202
DESE Rules Governing Student Discipline and School Safety

Date Adopted:
Last Revised:

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1.10—ASSOCIATION MEMBERSHIPS

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

Legal Reference: A.C.A. § 6-13-107

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1.11—BOARD MEMBER TRAINING

Individuals who are elected to serve on the District's board of directors are required to receive annual training related to board service. Board members who are elected to serve an initial or non –continuous term shall obtain a minimum of nine (9) hours of training by December 31 of the year following their election and a minimum of six (6) hours of training by December 31 of each calendar year thereafter. The initial nine (9) hours of training a board member receives shall include:

- o Training on how to read and interpret an audit report; and
- o Information regarding school safety and student discipline.

Board members who have served on the Board for twelve (12) or more consecutive months are required to obtain a minimum of six (6) hours of training by December 31 of each calendar year. Hours a board member obtains in excess of the required minimums may be carried forward through December 31 of the third (3rd) calendar year following the year in which the hours were earned.

The superintendent shall annually prepare a report on board training hours to be presented to the Board at the Board's regular January meeting. The report shall be presented in a table format with a row for each board member and columns for each of the following:

1. The hours of training each school board member received between January 1 and December 31 of the previous calendar year;
2. Hours of training, if any, a board member carried forward from a previous year that were eligible to be counted by the board member towards the previous year;
3. The sum of numbers 1 and 2; and
4. The number of training hours the board member was required to receive during the previous calendar year.

A board member who failed to receive or carry forward the required number of hours of training, as indicated by the report, shall:

a. Have from January 1 through thirty (30) days following the date of the January board meeting to complete the deficient hours of training; and
b. Not participate in official business, except for school board training, until the board member obtains the deficient hours of training.

A board member who fails to receive the deficient hours of training within the time provided shall be removed from the board in accordance with Policy 1.2—BOARD ORGANIZATION AND VACANCIES unless the failure to receive the required hours of training was due to the board member's military service or a serious medical condition as indicated by a written sworn statement from the board member's treating physician. A board member who provides the necessary documentation demonstrating that the failure to receive the required hours of training was due to military service or a serious illness shall have until December 31 of the current calendar year to receive both the hours of training for the current calendar year and those the board member failed to obtain during the previous calendar year.

The training shall be focused on topics relevant to school laws, school operations, and the powers, duties, and responsibilities of the members of the board of directors. The responsibilities include, but are not limited to: legal requirements; role differentiation; financial management; improving student achievement; reading and interpreting an audit report; the duties and responsibilities of the various

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levels of employees within the district as well as those of the board of directors; and information regarding school safety and student discipline.

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

Such training may be obtained from an institution of higher learning, from instruction provided by the Division of Elementary and Secondary Education (DESE), the Arkansas School Boards Association, or from other providers approved by the DESE.

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

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

Board members shall be reimbursed, from school funds, for expenses relating to such training and board members shall be paid a per diem stipend for days necessary to attend such training with the amount of such stipend to be determined by the Board in July of each year.[1]

Note: [1] This paragraph is optional.

Legal References: A.C.A. § 6-13-629
DESE Rules Governing Required Training for School Board Members
Standards For Accreditation 3-A.6 and 5-A.1

Date Adopted:
Last Revised:

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1.12—COMMITTEES

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

Any committee, which includes among its members a member of the School Board, shall operate according to the requirements of the Arkansas Freedom of Information Act.[1]

Note: [1] These requirements include having to notify the press of the time and place of the meetings; allow the meetings to be open to the attendance of the general public; record the meetings; and retain the recordings of the meetings for a year.

Legal Reference: A.C.A. § 25-19-106

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1.13—SUPERINTENDENT / BOARD RELATIONSHIP

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

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

Date Adopted:
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1.14—MEETING AGENDA

The agenda guides the proceedings of the Board meeting. The Superintendent shall prepare the agenda with consultation from the Board President. Other members of the Board who desire to have an item placed on the monthly agenda may do so by contacting the Superintendent or, in writing, the Board President by the date established in this policy and the item will be duly considered for inclusion.

At each regular monthly meeting of the Board, a report or presentation regarding student academic data or performance shall be provided to the Board.

The chairman of the PPC, or the chairman's designee, shall be placed on the Board of Director's meeting agenda to make an oral presentation to the Board to address either a personnel policy proposed by the Board that the PPC committee has possessed for no less than ten (10) work days or a personnel policy that the PPC wishes to propose to the Board.

District patrons wishing to have an item placed on the Board meeting's agenda must submit their requests, in writing to the Superintendent[1], at least five (5) days prior to the meeting of the Board. The written request must be sufficiently descriptive to enable the Superintendent and Board President to fully understand and evaluate its appropriateness to be an agenda item. Such requests may be accepted, rejected, or referred back to the individual for further clarification.

The Superintendent shall notify the Board President of all written requests to be placed on the agenda along with the Superintendent's recommendation concerning the request. No item shall be placed on the agenda that would operate to prejudice the Board concerning a student or personnel matter that could come before the Board for disciplinary or employment considerations or that is in conflict with other District policy or law.

Patrons whose written request to be placed on the meeting's agenda has been accepted shall have no more than ____[2] minutes to present to the Board unless specifically granted additional time by a motion approved by a majority of the Board. The speaker shall limit his/her comments to the approved topic/issue or forfeit his/her right to address the Board. The members of the Board will listen to the patron's presentation but shall not respond to the presenter during the meeting in which the presentation is made. The Board may choose to discuss the issue presented at a later meeting but is under no obligation to do so.

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

This policy's advance notice requirements do not apply to special or called board meetings.

Notes: [1] You may choose to add additional individuals (such as the President of the Board) to whom requested agenda items may be given to.

[2] Select the amount of time you choose to allow the patron to speak before the board.

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[3] Select the number of days that the Board and Superintendent agree to be necessary and doable.

Cross Reference: 1.9—POLICY FORMULATION

Legal References: A.C.A. § 6-13-619
A.C.A. § 6-17-205
A.C.A. § 6-17-2305

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1.15—TORT IMMUNITY

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

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

***** *The portion in brackets is optional.*

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1.16—DUTIES OF BOARD DISBURSING OFFICER

The disbursing officer[1], along with the superintendent, shall be responsible for signing, manually or by facsimile, all warrants and checks other than those issued for food service and activity funds.[2]

In addition, the Disbursing Officer must pre-authorize the electronic transfer of funds. For non-recurring transactions, the authorization can be accomplished by a signed authorization or an email authorizing such a disbursement of funds.[3] For recurring transactions, the Disbursing Officer may provide a one-time, signed authorization.

Notes: [1] If you chose in Policy 1.2 to elect alternate disbursing officers insert "or alternate disbursing officers" here.

[2] A.C.A. § 6-13-701(g) delineates what constitutes "activity funds."

[3] Commissioner's Memo Com-12-036 suggests the use of email as a way to obtain pre-authorization for non-recurring transactions. You may add to or change this language to reflect district practice provided adequate internal control is maintained for such transactions.

Cross References: 1.2—BOARD ORGANIZATION and VACANCIES
7.20—ELECTRONIC FUND TRANSFERS

Legal Reference: A.C.A. § 6-13-618(c)

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1.17—NEPOTISM

DEFINITIONS

"Commissioner" means the Commissioner of Elementary and Secondary Education.

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

"Initially employed" means:
A. Employed in either an interim or permanent position for the first time or following a severance in employment with the school district; or
B. A change in the terms and conditions of an existing contract excluding movement of an employee on the salary schedule that does not require board action.

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

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

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

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

EXCEPTION: SUBSTITUTES

Qualified family members of board members may be employed by the district as substitute teachers, substitute cafeteria workers, or substitute bus drivers for a period of time not to exceed thirty (30) days per fiscal year.[1]
A family member of a school board member having worked as a substitute for the district in the past does not "grandfather" the substitute. The thirty (30) day maximum limit is applied in all cases.

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

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

QUALIFICATIONS FOR RUNNING FOR SCHOOL BOARD MEMBER UNCHANGED

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

Note: [1] This paragraph is necessary if the district is to be eligible to hire any board member's family members as substitute employees. The board may choose to not allow such hiring. If they so choose, substitute the following sentence for the existing one:

Family members of board members shall not be employed by the district as substitute teachers, substitute cafeteria workers, or substitute bus drivers.

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

Date Adopted:
Last Revised:

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1.18—District Audits

The District's annual audit serves as an important opportunity for the Board of Directors to review the fiscal operations and health of the district. As such, it is vital Board members receive sufficient explanation of each audit report to enable the members to understand the report's findings and help them better understand the District's fiscal operations.

The District shall have an audit conducted annually within the timelines prescribed by law. The audit shall be conducted by Arkansas Legislative Audit or through the audit services of a private certified public accountant(s) approved by the Board.

The Board of Directors shall review each annual audit at the first regularly scheduled board meeting following the receipt of the audit if the District received the audit prior to ten (10) days before the regularly scheduled meeting. If the audit report is received less than ten (10) days prior to a regularly scheduled board meeting, the board may review the report at the next regularly scheduled board meeting following the ten (10) day period.

The Superintendent shall present sufficient supporting/background information relating to the report's findings and recommendations which will enable the Board of Directors to direct the Superintendent to take appropriate action in the form of a motion or motions relating to each finding and recommendation contained in the audit report. Actions to be taken will be in sufficient detail to enable the Board of Directors to monitor the District's progress in addressing substantial findings and recommendations and subsequently determine that they have been corrected. The minutes of the Board's meeting shall document the review of the audit's findings and recommendations along with any motions made by the Board or actions directed to be taken by the Superintendent or designee.

The Board of Directors is responsible for presenting the audit's findings each year to the public .[1]

Note: [1] The Standards For Accreditation (3-B.2) requires the district provide an annual report to the public, but does not expressly state that the report to the public include the audits' findings. A.C.A. § 6-13-620(6)(F) requires the reporting of the audit's findings, but doesn't specify any date by which they must be reported. In other words, you MAY go over the audit report at your annual meeting, but it is not required.

Legal References: A.C.A. § 6-1-101(d)(1)(2)(3)
A.C.A. § 6-13-620(6)(F)

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Last Revised:

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1.19—BOARD MEMBER LENGTH OF TERM and HOLDOVERS

The District has _____[1] Board of Directors members. Each member is elected for a term of service of _____[2] years. Members may be re-elected to serve consecutive terms so long as the member continues to meet the eligibility requirements for board service.

A board member remains in office until the member's successor has been sworn into office. In the event a board member's term of office has expired and no one is elected to replace the member, or the individual elected fails to receive the oath of office within the time set in statute, the board member becomes a "holdover" and is treated as having been re-elected to office for another term; Board members may only serve one term as a holdover and may be re-elected to the board at the expiration of his/her term. Consequently, should no individual be elected to the position at the expiration of the holdover term, the position shall be declared to be vacant and filled in accordance with Policy 1.2—BOARD ORGANIZATION AND VACANCIES and Arkansas law. Board members not wishing to continue as a holdover may resign from office and the position is to be filled in accordance with Policy 1.2.

Notes: [1] Insert your district's number of board members. Except for a very few grandfathered exceptions, the number of board members is statutorily required to be either five (5) or seven (7) members; however, if the district has an average daily membership of twenty thousand (20,000) or higher, then the district may have nine (9) board members.

[2] Insert the number of years a board member is elected to serve. The number of years must be between three (3) and five (5) years.

Cross Reference: Policy 1.2—BOARD ORGANIZATION AND VACANCIES

Legal References:
A.C.A. § 6-13-608
A.C.A. § 6-13-611
A.C.A. § 6-13-616
A.C.A. § 6-13-617
A.C.A. § 6-13-630
A.C.A. § 6-13-631
A.C.A. § 6-13-634
Arkansas Attorney General Opinion 2003-319
Arkansas Attorney General Opinion 2015-112
Arkansas Constitution Article 19, Section 5

Date Adopted:
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1.20—DUTIES OF THE LEGISLATIVE LIAISON

The Board of Directors recognizes the needs of the District require the Board to take an active role in the legislative process as it relates to legislation affecting this district and public education in general. To aid the Board in this endeavor, the Board shall elect one of its members to hold the office of Legislative Liaison. The duties of the legislative liaison are to:

- Be the primary contact person for legislative updates from the Arkansas School Boards Association (ASBA);[1]
- Keep the other members of the Board up to date on legislative issues;
- Make arrangements for the legislators whose representation zones cover the District to be contacted by either the liaison him/herself or by another board member on pending issues that would impact the District.

Notes: The legislative liaison position and this policy are not statutorily required but is requested by ASBA so each board has at least one individual selected to receive and respond to ASBA's legislative updates. Your district could choose to make it part of another officer's duties rather than a separate office.

[1] Multiple board members from a district may elect to receive legislative updates from ASBA but all legislative liaisons will automatically be added to the email list to receive legislative updates.

Cross Reference: 1.2—BOARD ORGANIZATION and VACANCIES

Date Adopted:
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1.21—DATE OF ANNUAL SCHOOL BOARD ELECTION

The annual school board election for the _____ School District shall be held on the:[1]

- Date of the preferential primary election in even-numbered years; and
- Second Tuesday in May in odd-numbered years.

Individuals wishing to run for office in the election may begin circulating petitions to collect signatures ninety (90) days before:[2]

- The Tuesday after the second Monday in November for elections held concurrently with a preferential primary election for years when the office of President of the United States will appear on the ballot at the general election; or
- March 2 for elections held concurrently with a preferential primary election for years in which the office of Governor will appear on the ballot at the general election and elections held in odd years.

Candidates may file their petition, affidavit of eligibility, and political practices pledge with the county clerk during a one week filing period that closes at noon on:[3]

- The Tuesday after the second Monday in November for elections held concurrently with a preferential primary election for years when the office of President of the United States will appear on the ballot at the general election; or
- March 2 for elections held concurrently with a preferential primary election for years in which the office of Governor will appear on the ballot at the general election and elections held in odd years.

A copy of this policy will be provided annually to the county clerk and the county election commission at least one hundred (100) days before the day the candidate filing period opens.[4, 5]

Notes: [1] If you elected to hold your election in November, replace the two bullets with:

- *First Tuesday following the first Monday in November in even numbered years; and*
- *Second Tuesday in November in odd numbered years.*

[2] If you elected to hold your annual school board election in November, replace this paragraph and the two bullets with:
Individuals wishing to run for office in the election may begin circulating petitions one hundred eighty (180) days before the date of the election.

[3] If you elected to hold your election in November, replace this paragraph and the two bullets with:

Candidates may file their petition, affidavit of eligibility, and political practices pledge with the county clerk during a one-week period ending at 12:00 noon ninety (90) days before the date of the election.

[4] A.C.A. § 6-14-102(a)(1)(B) requires that the county clerk and the county election commission be informed of the election timeline the district wishes to use on an annual basis

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by providing the county clerk and the county election commission a copy of the district's policy at least one hundred (100) days before the start of the party filing period for elections held with the preferential primary election. If your district property lies in more than one county, you are required to provide a copy to the county clerk of each county where your district property lies but still only have to provide a copy to the county election commission where the district is administratively domiciled.

[5] If you plan to hold your election in November, replace this paragraph with:
A copy of this policy will be provided annually to the county clerk and the county election commission at least one hundred (100) days before the day the candidate-filing period opens for school elections held with the preferential primary election.

Legal References: A.C.A. 6-14-102
A.C.A. § 6-14-111
A.C.A. § 7-7-203

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1.22—RECORDING OF BOARD MEETINGS

The District shall record[1] all meetings of the District's Board of Directors, including subcommittee meetings, except as follows:

- Executive sessions of the Board of Directors; and
- Student disciplinary hearings that are closed to the public.

The District shall retain meeting recordings for one (1) year.

Note: [1] The recordings may be in audio only or video and audio both.

Cross References: 1.12—COMMITTEES
6.1—COMMUNICATION GOALS
7.15—RECORD RETENTION AND DESTRUCTION

Legal Reference: A.C.A. § 25-19-106

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1.23—VISITS TO SCHOOL PROPERTY BY SCHOOL BOARD MEMBERS

Given that school board members have no power except at a properly called school board meeting where a quorum of school board members is present, board members shall not be present on school property unless they are:

1. Attending a:
   - School board meeting; or
   - Meeting of a District committee that the board member is a member of;
2. Signing District documents that require the board member's signature;
3. Meeting with the superintendent in the superintendent's office;
4. On campus for a valid reason related to the board member's student, including but not limited to:
   - Attending a parent teacher conference concerning the board member's student;
   - Meeting with the principal of the board member's student's school regarding the board member's student;
   - Attending a school-wide scheduled event for their student's school;
5. Attending a school sponsored public event, including but not limited to:
   - Athletic events;
   - Performing arts productions;
   - Graduation ceremonies;
6. Acting as a volunteer coach for a district program following approval from the rest of the board of directors for the board member to be a volunteer coach; or
7. participating in announced and scheduled campus tours organized by the superintendent or the superintendent's designee.

Board member attendance at numbers five (5) and six (6) above shall satisfy the board member's statutory duty under A.C.A. § 6-13-620 (9)

A school board member who is present on school campus for any reason other than a reason authorized under this policy shall be asked to leave campus. If the board member does not leave after being asked, the board member will be considered a trespasser, and local law enforcement will be called to respond.

Cross References: 1.7—POWERS AND DUTIES OF THE BOARD
6.4—VOLUNTEERS
6.5—VISITORS TO THE SCHOOLS

Legal References: A.C.A. § 6-13-620
A.C.A. § 6-22-105

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1.24—BOARD REPRESENTATIVE ON EDUCATION SERVICE COOPERATIVE BOARD OF DIRECTORS

The _____ School District Board of Directors shall adopt a resolution to appoint an individual as the Board's representative on the _____[1] Education Service Cooperative Board of Directors during a legally held meeting of the Board that is signed by both the Board president and secretary.

The individual selected to represent the Board on the _____[1] Education Service Cooperative Board of Directors shall reside within the boundaries of the District[2] and fall under one (1) of the following:

- The District superintendent;
- An employee of the District;
- A member of the District's Board; or
- A member of the District community.

A copy of the resolution shall be forwarded to the director of the _____[1] Education Service Cooperative:

- By June 30 of each year; and
- As soon as possible after the Board selects a representative to fill a vacancy.

The appointment as the Board's representative on the _____[1] Education Service Cooperative shall be for a two (2) year term. An individual shall hold over until the individual's successor is appointed. The Board may appoint the same individual for subsequent terms.

Notes: A model resolution for the selection of the representative for the board can be found on our Policy Resources Page: https://www.arsba.org/page/policy-resources.

As the law allows a community member to serve as the representative of the board, the board will need to choose whether or not an individual's appointment will end if the individual leaves the district employ or the district board but continues to reside within the district boundaries. We would recommend adopting either:
The Board's position on the _____[1] Education Service Cooperative Board of Directors shall be vacant if the individual was a District employee, including the superintendent, or a member of the Districts Board and the individual leaves the District's employe or the Board.

Or:

The Board's position on the _____[1] Education Service Cooperative Board of Directors shall not be vacant if the individual was a District employee, including the superintendent, or a member of the Districts Board and the individual leaves the District's employe or the Board but continues to reside within the District boundaries.

[1] Replace the name here with the name of the education service cooperative where your district is a member.

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[2] The law requires that the individual appointed resides within the boundaries of the education service cooperative. We have chosen to require the individual reside within the district but you may change this if you choose.

Legal Reference: A.C.A. § 6-13-1006

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