

TITLE 126
PROCEDURAL RULE
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 18-2
SERIES 1241 31

Title: Notice and Conduct of Meetings

Section 1. General

1.1 Scope - This procedural rule establishes the frequency and location of meetings of the West Virginia Board of Education and the procedures for notice and conduct of said meetings.

1.2 Authority - W. Va. Code 18-2-5

1.3 Filing Date - December 27, 1982

1.4 Effective Date - December 27, 1982

Section 2 Rationale

2.1 WHEREAS, the Constitution of West Virginia provides in Article II, Section 2, that: "the powers of government reside in all the citizens of the State, and can be rightfully exercised only in accordance with their will and appointment:"

2.2 WHEREAS, This constitutional mandate is reiterated in various forms in Sections 1, 2, 3, 10, 16, and 20 of Article III of the Constitution of West Virginia;

2.3 WHEREAS, The West Virginia Legislature has provided in Article 9A of Chapter 6 that all regular and special meetings of governing bodies shall be open to the people of the State and that the people shall be given reasonable, advance notice of the time, date and location of their being convened: Provided, however, that governing bodies may hold executive sessions as part of duly convened regular, special or emergency meetings under certain circumstances as specified in Section 4, Article 9A, Chapter 6 of the West Virginia Code;

2.4 WHEREAS, The Legislature has provided in Section 3, Article 9A, Chapter 6, of the West Virginia Code that:

Each governing body shall promulgate rules by which the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings are made available, in advance, to the public and news media, except in the event of an emergency requiring immediate official attention.

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2.5 WHEREAS, The Legislature in Section 1, Article 1, Chapter 29B, of the West Virginia Code has:

. . . declared [it] to be the public policy of the State of West Virginia that all persons are, unless otherwise expressly provided by law, entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.

2.6 AND WHEREAS, The West Virginia Board of Education in pursuance of Article XII of the Constitution of West Virginia, recognizes that it has a responsibility to see that the people of the State are thoroughly, efficiently, and freely educated, and that this responsibility takes many forms;

Section 3 Procedures

3.1 The West Virginia Board of Education shall meet at the State Capitol or at some other place convenient to the people of the State;

3.2 Regular meetings shall be held on the second Thursday and Friday of each month, the Thursday meeting convening at 1:30 p.m., the Friday meeting convening at 9:00 a.m., in Room No. B-353, Building No. 6, at the State Capitol: Provided, however, that the State Board may, upon due notice to the public, change the time, date, and location of its regular meetings;

3.3 Special meetings may be held at such other times as may be necessary, such meetings to be held upon the State Board's own resolution or at the call of its president;

3.4 Notice of all regular, special and emergency meetings shall be given through the regular public information services--including newspapers of the State, wire services, radio and television--at least one week in advance of all regular meetings, and a reasonable time in advance of all special and emergency meetings;

3.5 The notice given of any meeting shall include the time, date, and place it is to be convened; the notice given of any special meeting shall also include a statement of its purpose;

3.6 The public will be provided copies of the agenda of any meeting on the day it is held and before it has been convened;

3.7 The minutes of the West Virginia Board of Education will be open to inspection by any member of the public as provided by West Virginia Code §29B-1-1 et seq.

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Section 4 Open Meetings

4.1 All meetings must be open to the public, although the State Board may, either on its own initiative or upon the request of an interested party, hold an executive session during a regular, special or emergency meeting after its presiding officer has identified the authorization under Article 9A of Chapter 6 for the holding of such executive session and has presented it to the governing body and to the general public, as required by Section 4, Article 9A, Chapter 6, of the West Virginia Code;

4.2 Although inquiry, consultation, and discussion may be had in an executive session, no decisions (as defined in Section 2, Article 9A, Chapter 6 of the West Virginia Code) may be made in an executive session;

4.3 For purposes of this policy statement, the State Board of Education shall also mean the State Board of Vocational Education as designated by Section 2, Article 10A, Chapter 10, of the West Virginia Code, and the business of the State Board of Vocational Education shall be conducted in the same manner as that specified in this policy statement for the State Board of Education;

4.4 This policy statement amends the policy statement filed by the Board of Education in the Secretary of State's Office on the 9th day of June, 1978. Until this statement becomes effective in accordance with the provision of Section 2, Article 1, Chapter 29A, of the West Virginia Code, the original policy statement promulgated by the State Board of Education shall remain in full force and effect.--12/8/78

October 22, 1986/2120U