

CHAPTER 2 School Board Governance & Operations

Article 1 Policy Making Authority

Section 2-1.1. Policy Making Body.—A. The School Board is the policymaking body for Suffolk Public Schools.

B. The School Board establishes rules of order and may adopt bylaws and policies. (Adopted: June 8, 1995; Revised March 14, 2013; Ordinance Number 12/13-8; Effective Date: July 1, 2013; Revised April 14, 2016; Ordinance Number 15/16-11; Effective Date July 1, 2016)

Note: The **2016** revision deleted The School Board “shall establish its own” rules of order and shall” adopt bylaws and policies, and inserted in its place, The School Board “establishes” rules of order and may adopt bylaws and policies.

Legal Authority – Virginia Code §22.1-28 (1950), as amended.

Section 2-1.2. Policy Adoption Generally; Policy Manual Required; Posting of Website.—A. It is the responsibility of the School Board to adopt policies for governing schools. The power to enact policy cannot be delegated to an employee or agent, including the division superintendent, or a single member of the school board.

B. The School Board is guided by written policies that are readily accessible to the School Board, division employees, students, parents, and citizens. The division manual shall be reviewed at least every five (5) years and revised as needed.

C. A current copy of all School Board policies and regulations promulgated by Suffolk Public Schools are posted on Suffolk Public Schools’ website and are available to employees and the public. Printed copies of the policies and regulations will be made available as needed to citizens who do not have online access. The superintendent shall ensure that an annual announcement is made division 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 School Board policies and regulations. (Adopted June 8, 1995; Revised March 12, 2009; Ordinance Number 08/09-30; Effective Date: July 1, 2009; Revised April 14, 2016; Ordinance Number 15/16-12; Effective Date July 1, 2016)

Note: The **2016** revision in subsection B deleted The School Board “shall be” guided by written polices” and inserted in its place that The School Board “is” guided by written policies. In subsection C, revised the language which read, A current copy of School Board policies “will be” posted on Suffolk Public Schools’ website, to read A current copy of “all” School Board polices “and regulations promulgated by Suffolk Public Schools are” posted on Suffolk Public Schools’ website “and are available to employees and the public.” This revision also revised language which read, “The School Board will ensure that printed copies of the polices will be made available as needed

to citizens who do not have online access, to read, “Printed copies of the policies “and regulations” will be made available as needed to citizens who do not have online access. And in subsection C, language which read, The superintendent shall ensure that an annual announcement is made in each division 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 School Board policies, was revised to read, The superintendent shall ensure that an annual announcement is made division 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 School Board policies “and regulations.”

Legal Authority - Virginia Code §22.1-28 (1950), as amended.

Section 2-1.3. Policy and Regulation Defined; Administration in absence of policy.— A. Policy is a basic statement of the intent of the School Board which creates rights and responsibilities for the conduct of the school system’s business. All policies of the School Board are subject to revision by the School Board. Policies shall be developed and presented to the School Board evidencing the consideration given to the views of the community.

B. Regulation is the manner or method of implementation of policy by the division superintendent, which may be subject to change as conditions and/or circumstances may dictate. All regulations shall be developed by and through the division superintendent. They shall be presented to the School Board as informational items.

C. In cases where action must be taken by Suffolk Public Schools and the School Board has provided no guidance 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: June 8, 1995; Revised April 14, 2016; Ordinance Number 15/16-13; Effective Date July 1, 2016)

Note: The 2016 revision revised language in subsection C, which read, In cases where action must be taken by Suffolk Public Schools and the School Board has not provided for administrative action, the superintendent shall have has the power to act, but the superintendent’s decision shall be subject to review by the School Board at its next regular meeting. It shall be is the duty of the superintendent to inform the School Board promptly of such action and of the need for policy, to read, “In cases where action must be taken by Suffolk Public Schools and the School Board has provided “no guidance” 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.

Legal Authority – Virginia Code §§22.1-28; 22.1-78; 22.1-70; 22.1-79 (1950); as amended.

Section 2-1.4. Policy effective date; Changes in policy and regulations.— A. Unless otherwise provided, when policies are amended, modified or repealed by the School Board, or when the School Board adopts a new policy, any change in School Board policy shall become effective upon adoption. Where changes in policy and/or regulations are made, these shall be

prepared and distributed to all concerned for insertion into the policy manual so that action of the School Board may be implemented. (Adopted: June 8, 2000; Ordinance Number 99/00-44; Revised August 17, 2017; Ordinance Number 17/18-2; Effective Date: August 17, 2017)

Note: The **2017** revision made any policy change effective upon “adoption” which modified the **2000** revision to Section 2.1.4 that made the policy effective date for all policies adopted by the School Board July 1.

Legal Authority – Virginia Code §§22.1-28, 22.1-78; 22.1-79 (1950); as amended.

Article 2

School Board Powers and Duties

Section 2-2.1. Powers and duties generally.— A. The School Board shall exercise all the powers conferred and shall perform all the duties imposed upon it by law. Complete and final control in all matters pertaining to Suffolk Public Schools shall be vested in the School Board. The School Board’s powers include, but are not limited to, the following:

- (1) See that the school laws are properly explained, enforced and observed.
- (2) Perform such other duties as shall be prescribed by the State Board of Education or as imposed by law.
- (3) Act as a policy making body and through its own action, legislate to make its policies effective.
- (4) Adopt broad goals and objectives for each aspect of the Suffolk Public School’s operation based upon the identified needs of the community. The goals and objectives shall be documented, reviewed and revised periodically in light of changing community needs.
- (5) Establish basic policies to implement these goals and objectives and provide a framework of general rules and guidelines for Suffolk Public School’s administration affecting major educational and financial problems of Suffolk Public Schools.

- (6) Evaluate the performance and progress of Suffolk Public Schools against the stated goals and objectives. The measures used shall be:
 - (i) Progress toward objectives
 - (ii) Administration operations within School Board policy
 - (iii) Concise and meaningful management reports on current operations provided to the School Board by the division superintendent on a regular basis
 - (iv) Performance of the division superintendent
- (7) Provide leadership in presenting needs of Suffolk Public Schools to regional, state and federal government or agencies, the general public or the media by a planned program of external public relations.
- (8) Act upon recommendations that may come to it through the administration or its own members which concern the progress and improvement of Suffolk Public Schools.
- (9) Act upon all recommendations of the division superintendent as they relate to implementation of School Board policy.
- (10) Care for, manage and control the property of the school division and provide for the erecting, furnishing, and equipping of necessary school buildings and appurtenances and the maintenance thereof.
- (11) Secure, by visitation or otherwise, as full information as possible about the operation of Suffolk Public Schools and to ensure that the schools are being operated according to law and with the utmost efficiency.

- (12) Operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching and the governance to be employed in the schools.
- (13) Review and act upon the recommended attendance boundaries within the division in compliance with state and federal mandates.
- (14) Provide for the consolidation of schools whenever such procedure will contribute to the efficiency of the school division.
- (15) Review and approve the annual operating budget for Suffolk Public Schools prepared by the division superintendent to ensure that there is the most prudent utilization of public resources.
- (16) Authorize expenditures and approve bills presented for payment of expenditures.
- (17) Prescribe qualifications of all employees of the School Board and fix salary schedules for such employees.
- (18) Employ a division superintendent and establish the salary and terms of contract, provided the terms shall be in conformity with existing laws and regulations of the Commonwealth of Virginia.
- (19) Employ a school board attorney and establish the salary and terms of contract, provided the terms shall be in conformity with existing laws and regulations of the Commonwealth of Virginia.
- (20) Evaluate the superintendent's performance and the school board attorney's performance on a continuing basis. Criteria for appraisals shall be specific and communicated to the division superintendent and school board attorney.

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Performance appraisals based on the stated criteria shall be conducted in a closed meeting of the School Board. Formal evaluations shall occur annually with informal evaluation as the parties deem appropriate.

- (21) On the recommendation of the division superintendent, employ teachers and other personnel as may be needed for the efficient operation of the schools.
- (22) Approve or reject personnel recommended by the superintendent and enter into contracts with such personnel when required by law.
- (23) Act as a body of final administrative appeal in all cases which may be appealed to the School Board from a ruling or decision made by the division superintendent, as provided for by established law and policy.
- (24) Act upon legal matters with advice from the school board attorney.
- (25) Be responsible for the safety of pupils involved in school activities, including transportation in school buses.
- (26) Act upon textbooks and courses of study recommended by the division superintendent.
(Adopted: June 8, 1995)

Legal Authority - Virginia Code §22.1-79 (1950), as amended.

Section 2-2.2. School Board constitutes body corporate; corporate powers.—A. The duly appointed members of the School Board shall constitute the School Board. The School Board is declared 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, in accordance with the provisions of this title, purchase, take, hold, lease and convey school property, both real and personal. School Board members elected or otherwise shall have no organization or duties except such as may be assigned to them by the School Board as a whole. (Adopted:

June 8, 1995)

Legal Authority - Virginia Code §22.1-71 (1950), as amended.

Section 2-2.3. Election of Members and Qualifications.—A. School Board members shall be elected as provided for by law. In order to qualify as a member of the School Board, a person must be qualified to vote for and hold that office. In order to hold an elective office of the Commonwealth or its government units, the candidate must have been a resident of the Commonwealth for one year next preceding the election and be qualified to vote for that office. B. In order to have their name placed on the ballot, all candidates shall be nominated only by petition as provided by general law pursuant to Virginia Code Section 24.2-506 (1950), as amended. No employee of the School Board shall be eligible to serve on the School Board. (Adopted: June 8, 1995)

Legal Authority - Virginia Code -§22.1-29 (1950), as amended.

Section 2-2.4. Oath of Office. — School Board members shall qualify by taking the oath prescribed for officers of the Commonwealth before January 1 of the year of election. School Board members fulfilling unexpired terms of office must take the oath of office before serving at the first School Board meeting. Failure to take the oath of office within the time allowed by law renders the office vacant. (Adopted: June 8, 1995; Revised April 14, 2016; Ordinance Number 15/16-14; Effective Date: July 1, 2016)

Note: The **2016** revision added the language “Failure to take the oath of office within the time allowed by law renders the office vacant.”

Legal Authority - Virginia Code §22.1-31 (1950), as amended.

Section 2-2.5. Removal from office; filling vacancies.— A. Any School Board member may be removed from office in accordance with the provisions of Virginia Code Sections 24.2-230 through 24.2-237 of the Code of Virginia (1950), as amended.

B. When a vacancy occurs on the School Board, the remaining members, within forty-five (45) days of the office becoming vacant, shall fill the vacancy. If the majority of the remaining members of the School Board cannot agree, or do not act, the judges of the circuit court of the City of Suffolk shall make the appointment. The persons so appointed shall hold office until the qualified voters fill the vacancy by special election as provided for by law and the person so elected has qualified. (Adopted June 8, 1995; Revised November 11, 1999)

Note: The **1999** revision to Section 2-2.5 deleted the words “Vacancies occurring in the membership of the School Board shall be filled as provided by law” and added subsection B.

Legal Authority - Virginia Code §§24.2-228, 24.2-230 through 24.2-237 (1950), as amended; Virginia Code §22.1-57.3 (1950), as amended.

Section 2-2.6. School Board Officers; Organizational Meeting; Appointed Officials; Duties. — A. The officers of the School Board shall be a chairman and vice-chairman. The School Board shall elect a chairman and vice-chairman and make committee appointments annually at the January organizational meeting of the School Board.

B. At the organizational meeting of the School Board, the School Board shall also appoint a clerk and deputy clerk, and approve a designee for the division superintendent to attend meetings of the School Board in the absence or inability of the division superintendent to attend. The agenda for the organizational meeting of the School Board shall include setting time, place and dates of regular School Board meetings and other items of annual business as appropriate.

C. The duties of the chairman shall be to preside at all meetings of the School Board and to perform such other duties as may be prescribed by law or by action of the School Board. The chairman shall sign all 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.

D. The vice-chairman shall preside in the absence of the chairman and shall be empowered to act in all matters in case of the absence or inability of the chairman to act as provided by resolution of the School Board.

E. On recommendation of the superintendent, a clerk and a deputy clerk are appointed annually by the School Board at the January organizational meeting of the School Board. The clerk and deputy clerk are each be bonded in an amount not less than ten thousand dollars (\$10,000), and the School Board pays the premiums for each bond. The clerk and deputy clerk shall discharge under the general direction of the 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.

G. The deputy clerk shall be empowered to act in all matters in case of the absence or inability to act on the part of the clerk, or otherwise as provided by resolution of the School Board and under the direction of the superintendent. (Adopted: June 8, 1995; Revised July 10, 2003; Ordinance Number 02/03-19; Revised March 14, 2013; Ordinance Number 12/13-9; Effective Date: July 1, 2013; Revised April 14, 2016; Ordinance Number 15/16-15; Effective Date: July 1, 2016)

Note: The 2016 revision revised language in subsection E which read, The clerk and deputy clerk shall are each be bonded in an amount not less than ten thousand dollars (\$10,000), and the School Board shall pay pays the premiums for each bond. The clerk and deputy clerk shall discharge under the general direction of the division superintendent all duties as required by law and such other duties as may be required by the School Board or the State Board of Education, to read The clerk and deputy clerk are each be bonded in an amount not less than ten thousand dollars (\$10,000), and the School Board pays the premiums for each bond. The clerk and deputy clerk shall discharge under the general

direction of the 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.
Legal Authority - Virginia Code §22.1-76 (1950), as amended.

Section 2-2.7. School Board Committees and Boards; Gifted Education; School Health Advisory Board; School Safety Audit Committees; Parent Advisory Council; Safe and Drug-Free Schools and Communities Committee; Safe School Committee; Local Advisory Committee for Special Education; Career and Technical Education Advisory Council. —

A. 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: school health, gifted education, special education and career and technical education. These committees shall serve without compensation for one-year terms.

B. A Gifted Education Advisory Committee will annually review the local plan for the education of gifted students, including revisions, and determine the extent to which the plan for the previous year was implemented. The comments and recommendations of the Committee will be submitted in writing directly to the School Board and the superintendent. The Committee will reflect the ethnic and geographical composition of the school division.

C. A School Health Advisory Board (SHAB) will be comprised of no more than twenty members. The members will include broad-based community representation, including parents, students, health professional, educators, and others. The SHAB will assist with the development of health policy in the school division and the evaluation of the status of school health, health education, the school environment, and health services. The SHAB will hold meetings at least semi-annually and will annually report on the status and needs of student health in the division to any relevant school, the School Board, the Virginia Department of Health, and the Virginia Department of Education. The School Board may request that the SHAB recommend to the School Board procedures relating to children with acute or chronic illnesses or conditions, including, but not limited to, appropriate emergency procedures for any life-threatening conditions and designation of school personnel to implement the appropriate emergency procedures.

D. A School Safety Audit Committee will be established to evaluate, in accordance with the directions of the School Board, the safety of each school and submit a plan for improving school safety at a public meeting of the School Board. The committee shall include representatives of parents, teachers, local law-enforcement agencies, judicial and public safety personnel, and the community-at-large.

E. A Parent Advisory Council will be established to provide advice on all matters related to parental involvement in programs supported by Title I, Part A and/or Limited English Proficiency programs under Title III.

F. A Safe and Drug-Free Schools and Communities Committee will be

established to provide meaningful and ongoing consultation with, and input from, parents in the development of the application and administration of the Safe and Drug-Free Schools and Communities program.

G. A Safe School Committee will be established at each school which receives funds from the Safe Schools Act of 1994 to assist in assessing the school's violence and discipline problems and in designing appropriate programs, policies, and practices to combat such problems. The committees will include faculty, parents, staff, and students.

H. A Local Advisory Committee for Special Education will be established as set forth in Regulations of the State Board of Education. The functions of the Local Advisory Committee for Special Education shall be as follows: a. Advise the local school division of needs in the education of children with disabilities; b. Participate in the development of priorities and strategies for meeting the identified needs of children with disabilities; c. Submit periodic reports and recommendations regarding the education of children with disabilities to the division superintendent for transmission to the local school board; d. Assist the local school division in interpreting plans to the community for meeting the special needs of children with disabilities for educational services; e. Review the policies and procedures for the provision of special education and related services prior to submission to the local school board; and f. Participate in the review of the local Suffolk Public Schools' annual plan.

I. A Career and Technical Education Advisory Council will be established as set forth in Regulations of the State Board of Education. The functions of the Career and Technical Education Advisory Council will be to provide recommendations to the School Board on current job needs and the relevancy of career and technical education programs offered and to assist in the development, implementation and evaluation of the local plan and application. The Career and Technical Education Advisory Council shall be composed of members of the public, including students, teachers, parents and representatives from business, industry, and labor, with appropriate representation of both sexes and racial and ethnic minorities found in the school, community, or region served by the council. The council shall meet at regular intervals during the year to assist in the planning, implementing and assessing of career and technical education programs. (Adopted: June 8, 1995; Revised November 11, 1999; Revised June 13, 2013; Ordinance Number 12/13-148; Effective Date: July 1, 2013; Revised April 14, 2016; Ordinance Number 15/16-16; Effective Date: July 1, 2016)

Note: The 2016 revision revised language in subsection A, which read, It is the duty of the School Board to appoint advisory councils or committees of citizens of the school division for consultation with reference to specific matters pertaining to local schools. Pursuant to Board of Education regulations, and federal law, the School Board shall establish advisory committees for the following programs, to read, 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.

Legal Authority - Virginia Code §22.1-275.1 and 22.1-18.1 (1950), as amended.

Section 2-2.8. Appointment of student representative; non-voting; attendance at closed meeting prohibited.—A. The opinions and concerns of the students enrolled in Suffolk Public Schools are important to the School Board. Therefore, the School Board may appoint a student representative from among the students enrolled in Suffolk Public Schools. The student appointment will be on the recommendation of the superintendent and will take place at the January organizational meeting of the School Board. The student’s term will expire December 31, unless sooner terminated by the School Board.

B. The principal of each high school nominates two students from the school to serve as the student representative to the School Board. From these nominations, the Superintendent selects the student representative subject to final approval by the School Board.

C. The student representative serves in an advisory capacity and does not vote. The school division provides the meeting agenda and other public materials to the student representative in advance of each open meeting. The student representative does not have access to confidential information, including student or personnel records. The student representative is expected to attend all regular, open meetings and complete assignments for research and data collection when requested by the School Board.

D. The student representative shall not, however, be allowed to attend closed meetings of the School Board. (Adopted: November 11, 1999; Ordinance Number 99/00-07; Revised April 14, 2016; Ordinance Number 15/16-17; Effective Date: July 1, 2016)

Note: The **2016** revision added the following language in subsection A, “The opinions and concerns of the students enrolled in Suffolk Public Schools are important to the School Board.” Also added the word, “Therefore.” A new subsection B was added, and the following language deleted from subsection C, “The student representative will be a non-voting student representative of the School Board, whose primary purpose will be to provide valuable student input on issues coming before the School Board that will affect the education of students enrolled in Suffolk Public Schools. The student representative shall not, however, be allowed to attend closed meetings of the School Board” and the following language was inserted in its place, “The student representative serves in an advisory capacity and does not vote. The school division provides the meeting agenda and other public materials to the student representative in advance of each open meeting. The student representative does not have access to confidential information, including student or personnel records. The student representative is expected to attend all regular, open meetings and complete assignments for research and data collection when requested by the School Board.” A new subsection D was also added.

Legal Authority - Virginia Code §22.1-86.1 (1950), as amended.

Section 2-2.9 School Accreditation Required; Schools Awarded for Significant Progress; Approval of Individual School Accreditation Plan — A. All Suffolk Public Schools shall be accredited according to standards developed by the Board of Education. The school board will review the accreditation status of

each school in the division annually in a public session of a board meeting.

B. The School Board will recognize individual schools under the Virginia Index of Performance (VIP) program established by the Board of Education to recognize and reward fully accredited schools that make significant progress toward achieving advanced proficiency levels in reading, mathematics, science, and history and social science, and other indicators of school and student performance that are aligned with Virginia's goals for public education. The recognition may include public announcements, media releases, and other appropriate recognition.

C. The School Board may ask the Board of Education for release from state regulations and for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C. A request for a waiver from state regulations that are not (i) mandated by state or federal law or (ii) designed to promote health or safety will be made by the superintendent and chairman of the School Board on behalf of the School Board. The waiver request will describe how release from state regulations is designed to increase the quality of instruction and improve the achievement of students in the affected school or schools.

The School Board, by the superintendent and chairman of the School Board, may also request that the Board of Education grant waivers of specific requirements in Va. Code § 22.1-253.13:2, permitting the School Board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel division wide to meet the total number required by Va. Code § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of Va. Code § 22.1-253.13:2 are met. In its request, the School Board will demonstrate that the waivers from specific Standards of Quality staffing standards will increase the quality of instruction and improve the achievement of students in the affected school or schools. (Adopted: March 14, 2013; Ordinance Number 12/13-11; Effective Date: July 1, 2013; Revised; September 8, 2016; Ordinance Number 16/17-2; Effective Date: July 1, 2017)

Note: The 2017 revision added the following language in subsection C, "A request for a waiver from state regulations that are not (i) mandated by state or federal law or (ii) designed to promote health or safety will be made by the superintendent and chairman of the School Board on behalf of the School Board. The waiver request will describe how release from state regulations is designed to increase the quality of instruction and improve the achievement of students in the affected school or schools." And also added the last paragraph in subsection C, that reads, "The School Board, by the superintendent and chairman of the School Board, may also request that the Board of Education grant waivers of specific requirements in Va. Code § 22.1-253.13:2, permitting the School Board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel division wide to meet the total number required by Va. Code § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of Va. Code § 22.1-253.13:2 are met. In its request, the School Board will demonstrate that the waivers from specific Standards of Quality staffing standards will increase the quality of instruction and improve the achievement of students in the affected school or schools."

Legal Authority – Virginia Code §§ 22.1-19, 22.1-253.13:3, 22.1-253.13:9, (1950), as amended

Article 3 Meetings Generally

Section 2-3.1. Organizational Meeting.— A. The School Board shall organize annually by the election of officers at the first meeting in January. The meeting shall be called to order by the superintendent. The first order of business shall be the election of the School Board chairman. The new chairman shall then assume office and preside over the remainder of the meeting.

B. At this meeting, the School Board shall also elect a chairman and vice-chairman, and appoint a clerk and a deputy clerk/secretary. The agenda for the organizational meeting shall include setting the time, place and dates of regular School Board meetings and other items of annual business as appropriate. (Adopted November 11, 1999; Ordinance Number 99/00-07; Revised July 10, 2014; Ordinance Number 14/15-2; Effective August 14, 2014)

Note: The 2014 revision to Section 2-3.1 deleted the word “July” and inserted the word “January”.

Legal Authority - Virginia Code §22.1-72 (1950), as amended.

Section 2-3.2. Regular Meetings; Special Meetings; Quorum.—A. 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.

B. 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 communication means where the members are not physically assembled to discuss or transact public business, except as provided in Board Policy § 2-4.2 regarding Electronic Participation in Meetings from Remote Locations.

C. The School Board gives notice of its meetings in accordance with School Board Policy 2-4.1.

D. At least one copy of 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 as provided for in School Board Policy § 2-5.1

E. 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.

F. The School Board may hold special meetings when necessary. These meetings shall be held when called by the chairman or when requested by two (2) or more members provided all are notified. Business that does not come within the purpose set forth in the call of the meeting shall not be transacted at any special meeting of the School Board unless the quorum present is in unanimous agreement to consider additional items of business.

G. At any meeting of the School Board, a majority of the members of the School Board shall constitute a quorum.

H. Minutes of all regular School Board meetings are recorded in accordance with School Board Policy § 2-7.1 (Adopted June 8, 1995; Revised April 14, 2016; Ordinance Number 15/16-18; Effective Date: July 1, 2016)

Note: The 2016 revision revised language in subsection A, which read, The School Board will transact all business at official School Board meetings. Except as otherwise provided by law, all meetings of the School Board shall be open to the public, to read, The School Board transacts all business at School Board meetings. The School Board does not vote by secret or written ballot. The remaining language found in subsection A was also added. Language in subsection B that read, The meetings of the School Board shall be held as specified by the School Board. The date of a regular meeting of the School Board may be changed by the chairman provided each member is duly notified, was revised to read, All meetings of the School Board are open to the public, except as otherwise permitted by law. The remaining language found in subsection B was also added, along with subsections C, D, E, and H.

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 2-3.3. Closed meetings; Motions therefor; Attendance by non-members; Candidate Interviews; Certification Requirement; Failure of Certification; Attendance at any Committee Meeting Allowed.—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 purposes:

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 enrolled in Suffolk Public Schools. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, legal counsel and, if the student is a minor, the student's parents or legal guardians, so request in writing and such request is submitted to the presiding officer of the School Board.
3. Discussion or consideration of the condition, acquisition or use of real property for public purposes or of the disposition of publicly held 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 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, consultants or attorneys, pertaining to actual or potential litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the School Board; and consultation with legal counsel employed or retained by the School Board regarding specific legal matters requiring the provision of legal advice by counsel. 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. Discussion or consideration of honorary degrees or special awards.
 9. Discussion or consideration of tests or examinations or other records excluded from public disclosure under § 2.2-3705.1 of the Virginia Freedom of Information Act.
 10. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a sitting 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 sitting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.
 11. Discussion or consideration of medical and mental health records excluded from disclosure under Va. Code §2.2-3705.5 (1950), as amended.
 12. 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; excluded from mandatory disclosure pursuant to 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.
 13. Discussion or consideration of information excluded from mandatory disclosure pursuant to 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.
 14. Discussion for 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, re-convenes in open meeting and takes a vote of the membership of such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.

C. No meetings shall become a closed meeting unless the School Board shall have taken an affirmative recorded vote in open session to that effect, by motion stating specifically the purpose or purposes which are to be the subject of the meeting, and reasonably identifying the substance of the matters to be discussed. A statement shall be included in the minutes of the open meeting which shall make specific reference to the applicable exemption or exemptions from open meeting requirements provided in §2.1-344 (1950), as amended, Code of Virginia, and the matters contained in such motion shall be set forth in those minutes. A general reference to the provisions of the Virginia Freedom of Information Act or authorized exemptions from open meeting requirements shall not be sufficient to satisfy the requirements for a closed meeting.

D. These notice provisions shall not apply to closed sessions of the School Board held solely for the purpose of interviewing candidates for the position of superintendent. Prior to any such closed session for the purpose of interviewing candidates, the School Board shall announce in an open meeting that such closed meetings shall be held at a disclosed or undisclosed location within fifteen (15) days thereafter.

E. The School Board, in holding a closed meeting, shall restrict its consideration of matters during the closed portions only to those purposes specifically exempted under the Virginia Freedom of Information Act.

F. At the conclusion of any closed meeting, the School Board shall reconvene in open session immediately thereafter and shall take a roll call or other recorded vote to be included in the School Board's minutes, certifying that to the best of the member's knowledge (i) only public business matters lawfully exempted from open meeting requirements, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the School Board. Any member of the School Board who believes that there was a departure from the requirements of subdivisions (i) and (ii) above, shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the School Board minutes.

G. Failure of the certification required in subsection F above, to receive the affirmative vote of a majority of the members of the School Board present during a closed meeting shall not affect the validity or confidentiality of such meeting with respect to matters considered therein in compliance with these provisions. The recorded vote and any statement made in connection therewith, shall upon proper authentication, constitute evidence in any proceeding brought to enforce these

provisions.

H. School Board members may attend closed meetings held by any committee or subcommittee of the School Board, or a closed meeting of any entity, however designated, created to perform the delegated functions of or to advise the School 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 8, 1995; Revised March 12, 2009; Ordinance Number 08/09-27; Effective Date: July 1, 2009; Revised April 14, 2016; Ordinance Number 15/16-19; Effective Date: July 1, 2016; Revised September 8, 2016; Ordinance Number 16/17-4; Effective Date: July 1, 2017)

Note: The **2017** revision subsection A, which formerly read, “Closed meetings may be held only for the following purposes” to now read, “Closed meetings may be held by the School Board or any committee thereof only in accordance with Virginia Law, for purposes including the following purposes.” This revision also re-wrote subsections A.1. and A.2. In subsection A.3, added the following language: “where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the School Board.” In subsection A.5, added the following language: “or the expansion of an existing business or industry” and “or expanding its facilities.” In subsection A.6, “governmental unit” was deleted and “School Board” was inserted in its place. In subsection A.7 added the following language, “where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the School Board; and consultation with legal counsel employed or retained by the School Board regarding specific legal matters requiring the provision of legal advice by counsel and deleted the word “other”. Also deleted the following language in subsection A.7, “within the jurisdiction of the public body, and discussions or consideration of such matters without the presence of counsel, staff, consultants or attorneys” and added the following language: “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.” In subsection A.9, deleted word “documents” and inserted in its place “records” and deleted §2.1-342 B and inserted 2.2-3705.1. In subsection A.10, deleted “governing body” and inserted “School Board” and deleted “a detrimental” and inserted the words, “an adverse” effect upon the negotiating position of the School Board and deleted “governing position of the governing body.” In subsections 12, 13, & 14, deleted the reference to “records” and replaced with the word “information.” Added a new subsection H. The **2016** revision revised subsection A.11 that read, Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken to respond to such activity matters or a related threat to public safety; to read, 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 records excluded from mandatory disclosure pursuant to 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.

Legal Authority - Virginia Code §2.1-344 (1950), as amended.

Article 4 Meeting Notification

Section 2-4.1. Advance Notice of School Board Meetings Required.—A. The superintendent shall give advance notice of date, time, and location of its meetings by placing a notice in a prominent public location at which notices are regularly posted and in the central office of the School Board at least three working days prior to the meeting. In addition the School Board shall publish notice of its meetings by electronic means whenever feasible.

B. Organized groups and individual citizens shall be furnished notification of regular and special meetings when specific requests are made. Requests to be notified on a continual basis shall be made at least once a year in writing and will include requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any.

C. Notice, reasonable under the circumstances, of special or emergency meetings shall be given contemporaneously with notice provided to members of the School Board. (Adopted: June 8, 1995; Revised: July 10, 2003; Ordinance Number 02/03-20, Effective: July 1, 2004)

Note: The **2004** revision deleted in subparagraph A, the words "The superintendent shall give advance notice of regular and special meetings of the School Board through news media, including time, place and tentative agenda of such meetings" and inserted in its place, "The superintendent shall give advance notice of date, time, and location of its meetings by placing a notice in a prominent location at which notices are regularly posted and in the central office of the School Board at least three working days prior to the meeting. In addition the School Board shall publish notice of its meetings by electronic means whenever feasible." Added in subparagraph B, line 3, the word "requester" and in line 4 the words "daytime telephone number, electronic mail address, if available"; and deleted in subparagraph C the words "In cases of called special meetings when there is not sufficient time to mail meeting notifications, the superintendent shall notify and request the news media to publish the notification" and inserted in its place "Notice, reasonable under the circumstances, of special or emergency meetings shall be given contemporaneously with notice provided to members of the School Board."

Legal Authority – Virginia Code §22.1-78 (1950), as amended.

Section 2-4.2. Electronic Participation in Meetings from Remote Locations; Quorum and voice requirement; Limitation on number of meetings.—A. Except as provided hereafter, the School Board shall not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic, or other communication means where the members are not physically assembled. However, a school board member may participate in a meeting through electronic communication means from a remote location that is not open to the public (1) if on the day of the meeting, the school board member notifies the chair of the School Board that he or she is unable to attend the meeting due to an emergency and identifies with specificity the nature emergency and the remote locate from which the member participated; (a) the School Board approves the member's participation by a majority vote of the members present at a meeting and

(b) records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated; or (2) if a school board member notifies the school board chair that he or she is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the School Board records this fact and the remote location from which the member participated in its minutes.

B. In deciding whether or not to approve a Board member's request to participate from a remote location, the Board shall not consider the identity of the member making the request or the matters that will be considered or voted on at the meeting. If a Board member's participation from a remote location is disapproved, such disapproval will be recorded in the minutes with specificity.

C. A school board member may participate in a meeting by electronic means only when (1) a quorum of the School Board is physically assembled at the primary or central meeting location; and (2) 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.

D. Such participation by a school board member pursuant to subsection A(1) above shall be limited each calendar year to two meetings or 25 percent of the meetings of the School Board, whichever is fewer.

E. 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, provided (a) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and (b) the purpose of the meeting is to address the emergency. If it holds a meeting pursuant to this section, the School Board shall (i) give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the School Board; (ii) make arrangements for public access to the meeting; (iii) make available to the public, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the School Board and that have been made available to the School Board's staff in sufficient time for duplication and forwarding to all locations at which public access will be provided; (iv) record minutes of the meeting in accordance with School Board policy; and (v) record in the minutes votes taken by name in roll-call fashion. 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 shall be stated in the minutes of the meeting.

F. If the School Board meets by electronic means, it shall make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 15 of each year: (1) the total number of electronic communication meetings held that year; (2) the dates and purposes of the meetings; (3) a copy of the agenda for each meeting; (4) the number of sites for each meeting; (5) the types of electronic communication

means by which the meetings were held; (6) the number of participants, including members of the public, at each meeting location; (7) the identity of the members of the School Board recorded as absent and those recorded as present at each meeting location; (8) a summary of any public comment received about the electronic communication meetings; (9) a summary of the School Board's experience using electronic communication meetings, including its logistical and technical experience.

G. At any meeting at which any member of the School Board participates electronically, the School Board will make copies of the public comment form prepared by the Virginia Freedom of Information Advisory Council available to the public. (Adopted March 12, 2009; Ordinance Number 08/09-28; Effective Date: July 1, 2009; Revised April 14, 2016; Ordinance Number 15/16-20; Effective Date: July 1, 2016)

Note: The 2016 revision revised subsection A that read, However, a school board may participate in a meeting through electronic communication means from a remote location that is not open to the public, to read, However, a school board member may participate in a meeting through electronic communication means from a remote location that is not open to the public. This revision also added the following language (a) the School Board approves the member's participation by a majority vote of the members present at a meeting and (b) records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. Subsections B, E, F, and G. were also added.

Legal Authority - Virginia Code § 2.2-3708.1

Section 2-4.3. Quorum Required; When Quorum Not Physically Assembled; Notice Required; Reporting Requirement. — A. A School Board member may participate in a meeting by electronic means pursuant to this section only when: (i) a quorum of the School Board is physically assembled at the primary or central meeting location; and (ii) 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.

B. 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, provided (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and (ii) the purpose of the meeting is to address the emergency.

C. If it holds a meeting pursuant to this section, the School Board shall (i) give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the School Board; (ii) make arrangements for public access to the meeting; (iii) make available to the public, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the School Board and that have been made available to the School Board's staff in sufficient time for duplication and

forwarding to all locations at which public access will be provided; (iv) record minutes of the meeting in accordance with School Board Policy 2-7.1; and (v) record in the minutes votes taken by name in roll-call fashion.

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 shall be stated in the minutes of the meeting. In addition, at such meetings the School Board will make available to the public a public comment form prepared by the Virginia Freedom of Information Advisory Council.

D. If the School Board meets by electronic means, it shall make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 15 of each year: (1) the total number of electronic communication meetings held that year; (2) the dates and purposes of the meetings; (3) a copy of the agenda for each meeting; (3) the number of sites for each meeting; (4) the types of electronic communication means by which the meetings were held; (4) the number of participants, including members of the public, at each meeting location; (5) the identity of the members of the School Board recorded as absent and those recorded as present at each meeting location; (6) a summary of any public comment received about the electronic communication meetings; (7) a summary of the School Board's experience using electronic communication meetings, including its logistical and technical experience. (Adopted: April 14, 2016; Ordinance Number 15/16-21; Effective Date: July 1, 2016)

Legal Authority - Virginia Code § 2.2-3708.1

Article 5

Meeting Agenda

Section 2-5.1. Agenda Preparation and Dissemination. — At least one copy of all agenda packets and other non-exempt materials furnished to members of the School Board shall be made available for public inspection at the same time that documents are furnished to School Board members, unless the materials are exempt under the Virginia Freedom of Information Act. The preparation of the agenda shall be the responsibility of the School Board chairman with the assistance of the superintendent. Any member of the School Board may submit items for inclusion on the agenda. (Adopted: June 8, 1995; Revised July 10, 2003; Ordinance Number 02/03-21; Effective: July 1, 2004)

Note: The 2004 revision deleted "An agenda shall be provided to all School Board members and the press at least three (3) days prior to a regularly scheduled School Board meeting" and inserted in its place "At least one copy of all agenda packets and other non-exempt materials furnished to members of the School Board shall be made available for public inspection at the same time that documents

are furnished to School Board members, unless the materials are exempt under the Virginia Freedom of Information Act.” Also deleted the word “superintendent and” after the words “the responsibility of the” in line 5, and inserted at the end of line 6 the words “with the assistance of the superintendent.”

Legal Authority – Virginia Code §22.1-78 (1950), as amended.

Article 6 Voting Method

Section 2-6.1. Unanimous vote required.—A. The official vote on all decisions that are unanimous shall be recorded in the official minutes. The minutes of the meeting shall reflect the method and result of all votes.

B. In any case in which there shall be a tie vote of the School Board when all members are not present, the question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In complying with the procedure, or in any case in which there is a tie vote when all the members of the School Board are present, the clerk shall record the vote and the School Board chairman shall immediately notify the tie breaker, if any, to give the casting vote in case of a tie as provided in the Code of Virginia. If no tie breaker has been appointed as authorized by law, any tie vote shall defeat the motion, resolution or issue voted upon. (Adopted: June 8, 1995)

Legal Authority - Virginia Code §22.1-75 (1950), as amended.

Article 7 Minutes of Meetings

Section 2-7.1. Minutes of all meetings required; public inspection allowed.—A. Complete and accurate minutes of all School Board meetings shall be recorded by the clerk, approved by the School Board in regular session, signed by the clerk and chairman of the School Board, and kept and stored in accordance with the provisions of state law.

B. Except as otherwise specifically provided by law, minutes and other official records of the School Board, including the School Board meeting agenda packets, shall be open to inspection and copying by any citizen during the hours when the School Board office is regularly open to the public. Draft minutes and all other records of open meetings, including audio or audio/visual records, shall be deemed public records and subject to production pursuant to the Virginia Freedom of Information Act. The superintendent is authorized to make a charge for the copying and search time expended by School Board employees in supplying requested records, provided such charges do not exceed the actual cost to the School

Board in supplying these services. (Adopted: June 8, 1995; Revised November 16, 1995; Revised July 10, 2003; Ordinance Number 02/03-22; Effective: July 1, 2004)

Note: The 2004 revision to Section 2-7.1 inserted the language in subsection B, “Draft minutes and all other records of open meetings, including audio or audio/visual records, shall be deemed public records and subject to production pursuant to the Virginia Freedom of Information Act.”

Legal Authority - Virginia Code §§2.1-342, 22.1-74 (1950), as amended.

Article 8

Early and Late Appearances Defined

Section 2-8.1. Early Appearances Defined; Five Minutes for Presentation; More than Six Speakers Equal Title Allotted—A. Members of the community are invited and encouraged to attend meetings of the Suffolk School Board to observe its deliberations. Any member of the community may address the Suffolk School Board to observe its deliberations. Any member of the community may address the School Board on matters relating to Suffolk Public Schools at any regular meeting of the School Board. The agenda item entitled “Early Appearances” pertains to those items listed on the School Board agenda for which no public hearing has been scheduled and members of the public have expressed a desire to publicly express their views. The total amount of time set aside during the public meeting of the School Board for Early Appearances shall be limited to a total of thirty minutes.

B. Each person participating under this agenda item shall be permitted five minutes for the purpose of presenting their views. Presentations shall be addressed to the entire School Board, rather than to an individual School Board member. Individuals shall not be allowed to give all or part of their five minutes to other speakers. The chairman is responsible for the orderly conduct of the meeting and shall rule on such matters as the appropriateness of the subject being presented and length of time for such presentation. At the conclusion of a speaker’s remarks, any member of the School Board who desires further information, is allowed to address the speaker but only with permission of the chair.

C. If there are more than six persons to be heard under this agenda item, each person shall be allotted equal time, but in no event shall more than thirty minutes be allotted for this agenda item. Once the thirty minutes period has expired, all other speakers shall be heard during “Late Appearances,” or they may submit their remarks in writing to the Clerk of the School Board. Any person desiring to be heard under “Early Appearances” shall notify the Clerk of the School Board after the release of the regular meeting agenda to the public, but no later than 12:00 noon on Wednesday preceding the day of the regular School Board meeting. (Adopted: October 13, 2005; Ordinance Number 05/06-2, Effective Date: January 1, 2006; Adopted September 8, 2016; Ordinance Number 16/17-5; Effective Date: July 1,

2017)

Note: The 2017 revision added the following language in Subsection A, “Members of the community are invited and encouraged to attend meetings of the Suffolk School Board to observe its deliberations. Any member of the community may address the Suffolk School Board to observe its deliberations. Any member of the community may address the School Board on matters relating to Suffolk Public Schools at any regular meeting of the School Board.” And also added the following language at the end of Subsection B, “At the conclusion of a speaker’s remarks, any member of the School Board who desires further information, is allowed to address the speaker but only with permission of the chair.” The 2006 revision deleted §2-8.1, “Early Appearances and Late Appearances” in its entirety and adopted a new section, “Early Appearances Defined; Five Minutes for Presentation; More than Six Speakers Equal Time Allotted”

Legal Authority – Virginia Code §22.1-78 (1950), as amended.

Section 2-8.2. Late Appearances Defined; Notice Requirement.—A. Members of the general public who would like to express their views under the agenda item entitled “Late Appearances” shall have the opportunity to speak on matters pertaining to services, policies and affairs of Suffolk Public Schools, and shall be permitted five minutes for the purpose of presenting their views.

B. Any person desiring to be heard under the agenda item “Late Appearances” shall notify the Clerk of the School Board by no later than 5:00 p.m. on the day of the regular School Board meeting. Once allotted time has expired the speaker shall sit down, but may submit in writing any remaining to the Clerk of the School Board. (Adopted: October 13, 2005; Ordinance Number 05/06-2, Effective Date: January 1, 2006)

Note: The 2006 revisions, deleted §2-8.1, entitled “Early Appearances and Late Appearances” in its entirety and adopted the new section §2-8.2 entitled “Late Appearances Defined; Notice Requirement”

Legal Authority – Virginia Code §22.1-78 (1950), as amended.

Article 9 Conflict of Interests

Section 2-9.1. Purpose of Conflict of Interest Policy. — A. The 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, which is found in Virginia Code Section 2.1-639.1 *et. seq.*

B. The State and Local Government Conflict of Interests Act establishes five principal areas of regulation applicable to Board members, officers, and employees of the School Board. They are (i) special anti-nepotism rules relating to School Board members and superintendents of schools; (ii) general rules governing

public conduct by School Board members regarding acceptance of gifts and favors; (iii) prohibited conduct regarding contracts; (iv) required conduct regarding transactions; and (v) disclosure required from certain School Board members. (Adopted June 8, 1995; Revised November 16, 1995; Revised October 9, 2003, Ordinance 03/04-02; Effective: July 1, 2004; Revised March 14, 2013; Ordinance Number 12/13-12; Effective Date: July 1, 2013)

Note: The **2013** revision inserted the words “General Assembly in the” in subsection A and added subsection B. The **2004** revision to section 2-9.1 deleted the words “not be compromised or affected by inappropriate conflicts,” and replaced with “guided by a policy that determines and prohibits inappropriate conflicts and requires disclosure of economic interests.”

Legal Authority – Virginia Code §§22.1-78 and 2.1-639.2 (1950), as amended.

Section 2-9.2. Definitions. — A. As used in this policy: “*Contract*” means any agreement to which the School Board is a party, or any agreement on behalf of the School Board which involves the payment of money appropriated by the School Board, whether or not such agreement is executed in the name of the School Board.

- (1) "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.
- (2) “Affiliated business entity relationship” means a relationship, other than a parent-subsidary relationship, that exists when: (i) one business entity has a controlling ownership interest in the other business entity; (ii) a controlling owner in one entity is also a controlling owner in the other entity; or (iii) there is shared management or control between the business entities.

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

- (3) "Business" means any individual or entity carrying on a business or profession, whether or not for profit.
- (4) "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.

- (5) "Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not related by blood or marriage, if such person receives from the officer or employee, or provides to the officer or employee, more than one-half of his financial support.
- (6) "Employee" means all persons employed by a governmental or advisory agency.
- (7) "Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in Va. Code § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.
- (8) "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 or occupation 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 of 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 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; 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 or step-sister or the donee's brother's or sister's spouse. 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) 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 a contract with the School Board. For purposes of this definition, "person, organization or business" includes individuals who are officers, directors or owners of or who have a controlling ownership interest in such organization or business.

- (9) "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.
- (10) "*Immediate Family Member*" means (i) a spouse and (ii) any other person residing in the same household as the School Board member, who is a dependent of the School Board member employee.
- (11) "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.
- (12) "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.
- (13) "*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 (i) ownership in a business if the ownership interest exceeds

three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$10,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits business that exceeds, or may reasonably be anticipated to exceed, \$10,000 annually; (iv) ownership of real or personal property if the interest exceeds \$10,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; or (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of (i) or (iv) above.

(14) "*Personal interest in a contract*" means a personal interest which a School Board member has in a contract with the School Board, 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.

(15) "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 (i) the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.

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 or employee of a local governing body is appointed by the local governing body 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 to the officer or employee.

(16) "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. (Adopted: June 8, 1995; Revised November 16, 1995; Revised March 14, 2013; Ordinance Number 12/13-13; Effective Date: July

1, 2013; Revised April 14, 2016; Ordinance Number 15/16-22; Effective Date: July 1, 2016)

Note: The 2016 revision under subsection A(8) definition of “gifts” that read to include any gift related to the private profession or occupation of an officer or employee or of a member of the officer or employee’s immediate family was revised to read, any gift related to the private profession or occupation of the School Board member or employee or of a member of the School Board member’s or employee’s immediate family. The following language was also added to the definition of “gifts” 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 of 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 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. The following language that read, For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece or nephew; a person to whom the donee is engaged to be married; the donee's or his donee's spouse's parent, grandparent, grandchild, brother or sister, or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the officer or employee knows or has reason to know is (a) a lobbyist registered pursuant to Va. Code § 2.2-418 et seq., was revised to read, 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 or step-sister or the donee's brother's or sister's spouse. 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) a lobbyist registered pursuant to Va. Code § 2.2-418 et seq. Under the definition immediate family member A (10) that read “*Immediate Family Member*” means (i) a spouse and (ii) any child residing in the same household as the, who is a dependent of the officer or of whom the School Board member is a dependent, was revised to read, “*Immediate Family Member*” means (i) a spouse and (ii) any other person residing in the same household as the School Board member, who is a dependent of the School Board member or employee. Under the definition “*Personal interest*” A (13) that read “*Personal Interest*” means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family was revised to read “*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.

Legal Authority - Virginia Code §§ 2.2-3103, 2.2-3102, 2.2-3103, .22-3103, 2.2-3103.2, 2.2-3104.1 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115, 2.2-3119 and 2.2-3124 (1950, as amended).

Section 2-9.3. Special Nepotism Rules regarding School Board Members and Superintendent; Direct Supervisory and/or Administrative Relationship Prohibited. — A. 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 member. This provision shall not be construed

to prohibit the employment, promotion or transfer within the school division, of any person within a relationship described above when such person (a) has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the taking of office of any member of the Board or superintendent; or (b) 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 (c) 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.

B. No family member as listed in subsection A 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 is discouraged. (Adopted: April 14, 2016; Ordinance Number 15/16-22; Effective Date July 1, 2016)

Legal Authority – Virginia Code §§ 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, 2.2-3119 and 2.2-3124 (1950), as amended.

Section 2-9.4. General Rules Governing Public Conduct by School Board Members and Employees Regarding Gifts and Favors. — Neither the School Board collectively, nor any member of the Board, shall

(a) 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;

(b) offer or accept money, or anything else of value, for or in consideration of obtaining employment, appointment, or promotion in the school division;

(c) 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;

(d) 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;

(e) accept any money, loan, gift, favor or service that might reasonably tend to influence the discharge of duties;

(d) accept any business or professional opportunity from which a School Board member may gain a financial benefit, where the member knows or should know that there is a reasonable likelihood that the opportunity is being offered with intent to influence his or her conduct in the performance of official duties. (Adopted: April 14, 2016; Ordinance Number 15/16-22; Effective Date July 1, 2016)

Legal Authority – Virginia Code §§ 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, 2.2-3119 and 2.2-3124 (1950), as amended.

Section 2-9.5. Definitions; Certain Gifts prohibited; Acceptable gifts; Amount to be Adjusted Every Five Years; Gift returned to donor or donated to charitable organization. — A. For purpose of this subsection the following definitions apply:

- (1) "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.
- (2) "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 share a common interest, (ii) who are members of a public, civic, charitable or professional organization, (iii) who are from a particular industry or profession or (iv) who represent persons interested in a particular issue.

B. 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 reason to know is (i) a lobbyist registered pursuant to Va. Code § 2.2-418 et 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.

C. 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 the following:

- (1) 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;
- (2) 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;
- (3) 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

- (4) 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.

(D) The \$100 limitation imposed in accordance with this section shall be adjusted by the School Board 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.

(E) 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. (Adopted: April 14, 2016; Ordinance Number 15/16-22; Effective Date July 1, 2016)

Legal Authority – Virginia Code §§ 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, 2.2-3119 and 2.2-3124 (1950), as amended.

Section 2-9.6. 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 Suffolk Public Schools 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. (Adopted: April 14, 2016; Ordinance Number 15/16-22; Effective Date July 1, 2016)

Legal Authority – Virginia Code §§ 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, 2.2-3119 and 2.2-3124 (1950), as amended.

Section 2-9.7. Prohibited Contracts; Exceptions. — A. No School Board member shall have a personal interest in (i) any contract with the School Board or (ii) any contract with any government agency which is subject to the ultimate control of the Board.

B. The above prohibition shall not be applicable to:

- (1) 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;
- (2) contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public;
- (3) a contract awarded to a member of the School Board as a result of competitive sealed bidding where the School Board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the School Board; however, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the School Board, by written resolution, shall state that it is in the public interest for the member to bid on such contract;
- (4) the sale, lease or exchange of real property between an officer or employee and a governmental agency, provided the officer or employee does not participate in any way as such officer or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof;
- (5) the publication of official notices;
- (6) an officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$10,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his

governmental agency in negotiating the contract or in approving the contract;

- (7) contracts between 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;
- (8) contracts for the purchase of goods or services when the contract does not exceed \$500;
- (9) grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency;
- (10) 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;
- (11) 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. (Adopted: April 14, 2016; Ordinance Number 15/16-22; Effective Date July 1, 2016)

Section 2-9.8 —Personal Interest in Transaction Requires Disqualification; Disqualification Recorded in Minutes; When Participation Allowed; Representing an Immediate Family Member Allowed; Remaining Members Constitute Quorum; When Defendant in Legal Proceeding. —

A. Each School Board member and School Board employee who has a personal interest in a transaction 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-subsidary or affiliated business entity relationship with the business in which he has a personal interest; or
- (ii) he is unable to participate pursuant to subsections C.a., C.b., or C.c. of this policy.

B. 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.E 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.

C. A School Board Member or School Board employee may participate in the transaction when —

- a. the 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.G;
- b. a party to the transaction is a client of his firm and he does not personally represent or provide services to such client and he complies with the declaration requirements of Va. Code § 2.2-3115.H; or

- c. the transaction affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.

D. 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.

E. If disqualifications under subsection 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.

F. 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. (Adopted: April 14, 2016; Ordinance Number 15/16-22; Effective Date July 1, 2016)

Legal Authority – Virginia Code §§ 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, 2.2-3119 and 2.2-3124 (1950), as amended.

Section 2-9.9 Disclosure Requirements; Penalty for Failure to File; Disclosure of Interest.— A. School Board members file, as a condition of assuming office, a disclosure statement of their personal interests and other information as is specified on the Statement of Economic Interests form set forth in Va. Code § 2.2-3117 and thereafter file such statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April. The disclosure forms are filed and maintained as public records for five years in the office of the clerk of the School Board.

B. School Board members and employees required to file the Statement of Economic Interests who fail to file such 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.

C. Any Board member or employee who is disqualified from participating in a transaction under Section 2-9.8(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 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.

D. Any Board member or employee who is required to disclose his interest under Section 2-9.6(B) of this policy shall declare his interest by stating: (i) the transaction involved; (ii) the nature of the Board member's or employee's personal interest affected by the transaction; (iii) that he is a member of a business, profession, occupation or group the members of which are affected by the transaction; 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 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.

E. A Board member or employee who is required to declare his interest pursuant to Section 2-9.8(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 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. (Adopted: April 14, 2016; Ordinance Number 15/16-22; Effective Date July 1, 2016)

Legal Authority – Virginia Code §§ 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, 2.2-3119 and 2.2-3124 (1950), as amended

Section 2-9.10 Advisory Opinions. — School Board members or employees

subject to the Virginia Conflict of Interest Act may seek written opinions regarding the Act from the local Commonwealth's attorney, Suffolk City Attorney, or the Virginia Conflict of Interest and Ethics Advisory Council. Good faith reliance on any such written opinion of the Commonwealth Attorney or the Conflict of Interest and Ethics Advisory Council bars prosecution for a knowing violation of the Act provided the opinion was made after a full disclosure of the facts. An opinion of the Suffolk City Attorney may be introduced at trial as evidence that the School Board member or employee did not knowingly violate the Act. (Adopted: September 8, 2016; Ordinance Number 16/17-3; Effective Date: July 1, 2017)

Legal Authority – Virginia Code §§ 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, 2.2-3119 and 2.2-3124 (1950), as amended

Article 10

Salary of School Board Members

Section 2-10.1. Procedure for setting Board Member salary and salary limits same as governing body; resolution required.—A. The procedure for setting the annual salary for members of the School Board and the salary limits shall be consistent with the salary procedures and limits as provided in Virginia Code §15.2-1414.1 *et. seq.* or as provided for in the City Charter for members of the governing body.

B. The School Board shall be awarded a salary increase only if there is an affirmative vote by the School Board setting forth the specific salary increase. Any salary increase must be established prior to January 1 in any year in which members are to be elected or appointed, and such increase shall not become effective until July 1 of the following year. (Adopted June 8, 1995)

Legal Authority- Virginia Code §22.1-32 (1950)

Section 2-10.2. Chairman salary; mileage. — A. The School Board may, in its discretion, pay the chairman of the School Board an additional salary not exceeding \$2,000 per year upon passage of an appropriate resolution by the School Board.

B. The School Board may, in its discretion, pay each of its members' mileage for use of a private vehicle in attending meetings of the School Board and in conducting other official business of the School Board. School Board members may be reimbursed for private transportation at a rate not to exceed that which is authorized for persons travelling on state business in accordance with provisions of state law. Whatever rate is paid, however, shall be the same for School Board members and employees of the School Board.

Section 2-10.3. In Service Education High Priority; Participation In Professional Development Activities Required; Funding Requirement; Activities and Services.—

A. 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.

B. 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.

C. 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.

D. 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; and (3) Subscriptions to publications addressed to the concerns of school board members. (Adopted: April 14, 2016; Ordinance Number 15/16-23; Effective Date: July 1, 2016)

Legal Authority-Virginia Code § 22.1-32 (1950), as amended.