

RULES FOR BOARD GOVERNANCE AND OPERATIONS

**BOARD OF TRUSTEES
ARKANSAS SCHOOL FOR THE BLIND
ARKANSAS SCHOOL FOR THE DEAF**

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1.1—LEGAL STATUS OF THE BOARD OF TRUSTEES

The legal status of the Board of Trustees of the Arkansas School for the Blind and the Arkansas School for the Deaf is established in Chapter 43, Act 1943, Subchapter 1, Amendment 33 to the Constitution of the State of Arkansas.

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

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

1.2—BOARD ORGANIZATION

The Board shall elect a chairperson, vice-chairperson, and secretary at the January meeting in each year. Officers shall serve one-year terms and perform those duties as prescribed by policy of the Board. Board members shall serve as officers on a rotating basis: a member shall act as secretary during the third year of that position's term; a member shall serve as vice-chairperson during the fourth year of that position's term; and a member shall act as chairperson during the fifth year of that position's term. If a chairperson resigns prior to the end of his or her term, the remainder of his term shall be served by the vice-chairperson. The vice-chairperson shall then serve the remainder of his or her own term after he serves the remainder of the chairperson's term.

1.3—DUTIES OF THE CHAIRPERSON

The duties of the chairperson of the Board of Trustees shall include, but not be limited to:

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

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

1.4—DUTIES OF THE VICE-CHAIRPERSON

The duties of the Vice-Chairperson of the Board shall include:

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

1.5—DUTIES OF THE SECRETARY

The duties of the Secretary of the Board shall include:

1. Being responsible to see that a full and accurate record of the proceedings of the Board are kept;
2. Serving as presiding officer in the absence of the Chairperson and the Vice-Chairperson;
3. Signing all official documents that require the signature of the Secretary of the Board of Trustees; and
4. Performing such other duties as may be prescribed by law or action of the Board.

1.6—MEETINGS AND BOARD MEMBER VOTING

MEETINGS

1. The Board of Trustees will transact all business at either a regular meeting or a special meeting, as defined below:
 - (A) Regular Meeting – The usual legal action meeting held monthly during the calendar year.
 - (B) Special Meeting – A meeting called between scheduled regular meetings to consider specified topics that must be handled immediately.
2. The Board shall meet at least monthly. The Board will hold its regular meeting on the third Tuesday of each month at 5:00 p.m. unless another date and time is agreed to by the Board. All regular meetings will be held in the board room, alternating between Arkansas School for the Blind and Arkansas School for the Deaf.
3. The Board of Trustees will hold special meetings on the call of the Chairperson, Secretary, or any three (3) members of the Board of Trustees. Business transacted at a special meeting will be limited to the purpose(s) set forth in the call unless all members of the Board are present and all members consent to consider and transact other business. All special meetings shall be held in the designated board room or building of the designated school unless the Chairperson selects a site more suitable for the content of the call.
4. The public, the state and local news media, and any other person who has requested notice of the board meetings, will be notified as soon as possible and in no case less than two hours prior to the time the meeting is to take place. The time, place, and purpose of the meeting will be included in the notification.

EXECUTIVE SESSIONS

1. The Board of Trustees accepts its position as a public board. Members agree that the Board of Trustees' business is public business and that the Board of Trustees' decision-making will be performed in an open and public manner.
2. In keeping with the provisions of the Arkansas Freedom of Information Act, executive sessions may be held only as follows:

Executive sessions will be permitted only for the purpose of considering employment, appointment, promotion, demotion, discipline, or resignation of any public officer or employee, or for the purpose of reviewing an administrative decision pertaining to student discipline should such review be requested by the student and/or the student's parent or guardian in a closed session.

- (A) Only the Superintendent, the immediate supervisor of the employee involved, and the employee may be present at the executive session when so requested by the Board of Trustees.
 - (B) Any person being interviewed for the position of Superintendent may be present at the executive session when so requested by the Board of Trustees.
3. Following an executive session, the Board of Trustees will immediately reconvene in public session, present and vote on action taken in the executive session.

PUBLIC ATTENDANCE AT BOARD OF TRUSTEES MEETINGS

All regular and special meetings of the Board of Trustees will be open to the public. The Board of Trustees welcomes the attendance of the patrons of the school. Copies of the agenda, without supporting materials, will be available for persons attending the meetings. Members of the public will not be recognized to speak at meetings unless it is determined by the board members to be beneficial to the issue being discussed.

QUORUM AND VOTING

1. A majority of the Board, or three (3) voting members, will constitute a quorum for the purpose of transacting business.
2. A majority of the quorum voting affirmatively will be required for the passage of any motion or resolution.
3. Any member who abstains from voting will be counted as having voted against the motion or resolution.
4. If a member announces a conflict of interest with regard to the issue, the member may leave the meeting until the voting on the issue is concluded, and the member who abstains from voting thereby will not be counted as having voted.
5. All Board members, including the chairperson, shall vote on each motion, following a second and discussion of that motion.
6. When a tie vote exists on a motion, the motion fails.
7. A roll call vote may be requested by any member of the Board. The secretary will call the roll in alphabetical order.
8. Board members voting on the prevailing side of an issue may move to reconsider an item.
9. Parent Representatives are not voting members, but may participate in full discussion of board issues.

1.7—POWERS AND DUTIES OF THE BOARD

The Arkansas School for the Blind/Arkansas School for the Deaf Board of Trustees, operating in accordance with State and Federal laws, assumes responsibility for the operation of the Arkansas School for the Blind and the Arkansas School for the Deaf. The Board shall concern itself primarily with the broad questions of policy as it exercises its legislative and judicial duties. The administrative functions of the schools are delegated to the Superintendents who shall be responsible for the effective administration and supervision of the schools.

Some of the duties of the Board include:

1. Developing and adopting policies to effect the vision of the schools;
2. Understanding and abiding by the proper role of the Board of Trustees;
3. Electing and employing Superintendents and giving them the support needed to be able to effectively implement the Board's policies or directives;
4. Conducting formal evaluations of the Superintendent at least annually as deemed necessary and appropriate;
5. Fixing salaries of employees of the schools whose salaries are not already fixed by law, and approving those employees that have been hired by the superintendents;
6. Seeing that all subjects for study prescribed by the State Board or by law for all grades of schools are taught;
7. Involving the members of the community in the schools' decisions to the fullest extent practicable; and
8. Striving to assure that all students are challenged and are given an equal educational opportunity.

STATEMENT OF FINANCIAL INTEREST

Arkansas Code Ann. § 21-8-701 requires any agency head, department director, or division director of state government, as well as any public appointee to a state board or commission who is authorized or charged by law with the exercise or regulatory authority or is authorized to receive or disburse state or federal funds, to file an initial written statement of financial interest within thirty days of being appointed. Subsequent filings will be by January 31 of each year as required by statute.

A CODE OF ETHICS FOR ASB-ASD BOARD OF TRUSTEES

I. As a member of the Board of Trustees of ASB-ASD, representing all the citizens of Arkansas, I recognize:

1. That my fellow citizens have entrusted me with the educational development of the students of the schools.
2. That the public expects my first and greatest concern to be in the best interest of each and every one of these young people without distinction as to who they are or what their background may be.
3. That the future welfare of this state, and of this nation, depends upon the quality of education we provide to fit the needs of every student.
4. That my fellow Board Members and I must take the initiative in helping all the people of this state to have all the facts, at all times, about ASB-ASD to the end that they will readily support the finest possible school program, administration, faculty and staff, and facilities.
5. That legally the authority of the board is derived from the state, which ultimately controls the organization and operation of the schools and which determines the degree of discretionary power left with the board and the people of the schools.
6. That I must never neglect my personal obligation to the schools and my legal obligation to the state, nor surrender these responsibilities to any other person, group, or organization; but that, beyond those, I have a moral and civic obligation to the Nation which can remain strong and free so long as all public schools, including residential, in the United States of America are kept free and strong.

II. In view of the foregoing consideration, it shall be my endeavor:

1. To devote time, thought, and study to the duties and responsibilities of a board member so that I may render effective and creditable service.
2. To work with my fellow board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during vigorous debate of points at issue.
3. To base my personal decision upon all available facts in each situation; to vote my honest conviction in every case, unswayed by partisan bias of any kind; thereafter, to abide by and uphold the final majority decision of the Board.
4. To remember at all times that as an individual I have no legal authority outside the administration, faculty and staff, and the State Citizenry.
5. To resist every temptation and outside pressure to use my position as a Board Member to benefit either myself or any other individual or agency apart from the total interest of the schools.
6. To recognize that it is important for the Board to understand the educational program of the schools.
7. To direct questions or concerns about the school to the Superintendent.
8. To strive step-by-step toward ideal conditions for the most effective Board service to my state in a spirit of teamwork and devotion to education as the greatest instrument for the preservation of our representative democracy.

1.8—GOVERNANCE BY POLICY

The schools shall operate in accordance with State and Federal law. The legal framework governing the schools shall be augmented by policies adopted by the Board of Trustees which shall serve to further define the operations of the schools.

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

The official copy of the policies governing the schools shall be kept in the Superintendents' offices. Copies of the policies within the schools shall be kept current, but if a discrepancy occurs, the Superintendents' versions shall be regarded as authoritative.

Administrative regulations may be formulated to implement the intentions of the policies of the Board. Administrative regulations may be highly specific, as such, the Board shall review the regulations prior to implementation.

1.9—POLICY FORMULATION

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

Policies may be recommended by the Board or any member of the Board; by the Superintendent; or by a committee appointed by the Board. Policies adopted by the Board shall be in accordance with State and Federal law.

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

Policies become effective immediately upon approval by the Board.

1.10—ASSOCIATION MEMBERSHIPS

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

1.11—BOARD MEMBER TRAINING

Board members are encouraged to obtain a minimum of six (6) hours of training by December 31 of each calendar year.

The training shall be focused on topics relevant to school laws, school operations, and the powers, duties, and responsibilities of the members of the Board of Trustees. Examples of appropriate training topics include legal requirements, financial management, improving student achievement, and the duties and responsibilities of the various levels of employees within the school as well as those of the Board of Trustees.

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

Training may be obtained from an institution of higher learning, from instruction provided by the Arkansas Department of Education or the Arkansas School Boards Association, or from other providers approved by the Arkansas Department of Education.

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

1. Part of the schools' comprehensive school plan and goals;
2. Published in the same way as other components of the comprehensive plan and goals are required to be published; and
3. Part of the annual school performance report required to be submitted to, and published by the Arkansas Department of Education.

The Board is authorized to pay per diem and other necessary expenses from appropriate ASB or ASD funds. The Board is also authorized to reimburse board members for expenses incurred while attending in-service workshops, conferences, and other courses of training and instruction required.

1.12—COMMITTEES

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

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

1.13—SUPERINTENDENT/ BOARD RELATIONSHIP

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

The Superintendents and staff are responsible for administering the Board's policies and will be held responsible for the effective administration and supervision of the schools. The Superintendents are authorized to develop and implement guidelines that are consistent with the Board's policies.

1.14—MEETING AGENDA

The Superintendents of the Arkansas School for the Blind and the Arkansas School for the Deaf, in consultation with the Board of Trustees chairperson, will prepare agendas for meetings of the Board of Trustees. Any member of the Board of Trustees may place items on the agenda. The Superintendents will ensure that Board members receive agendas and supporting material for regular meetings at least seven (7) calendar days prior to the meeting. Not less than ten (10) days prior to the date of a regular meeting of the Board of Trustees, notice shall be published on the website of the Schools of the date, time and place of the meeting.

The agenda guides the proceedings of the Board meeting. The Superintendents shall prepare the agenda with consultation with the Board chairperson. Items may be placed on the agenda upon request by any Board member or by members of the community. Community members must submit their agenda item requests in writing, to the appropriate Superintendent, at least 10 days prior to the meeting of the Board. The appropriate Superintendent, in consultation with the Board chairperson, will determine whether it is appropriate to include the item on the agenda. Such requests may be accepted, rejected, or referred back to the initiating individual for further clarification.

1.15—TORT IMMUNITY

LIABILITY/IMMUNITY OF BOARDS AND MEMBERS

A. General Principles

Board and commission members are officers of the State of Arkansas, and, for most purposes, employees and officers of the State enjoy sovereign immunity. This means that they are not liable for any damages that may come about as a result of their official actions. Article 5, Section 20 of the Arkansas Constitution states that “[t]he State of Arkansas shall never be made defendant in any of her courts.” This statement also applies to state employees acting in their official capacity. Except to the extent they are covered by liability insurance, state employees and officers are explicitly declared to be immune from liability from lawsuits under the provisions of the Arkansas Code for damages for acts or omissions (other than “malicious acts or omissions”) occurring within the course and scope of their employment. However, state officers can be sued in their official capacity for other certain types of relief, including injunctive and declarative relief.

Notwithstanding the above provisions regarding immunity, if a board or commission member or employee is served with process in any litigation, he must notify the Attorney General immediately in order to allow the Attorney General to file an appropriate response with the court. As a rule, the Attorney General will represent board and commission members and employees in litigation resulting from acts or omissions that occurred during the course and scope of their official duties or responsibilities. The State will only pay for private attorneys to represent state officers or employees if the Attorney General has declined to represent that individual and the officer or employee acted without malice and in good faith. The State will pay actual damages or, if recommended by the Attorney General, settlement amounts for officers or employees acting without malice and in good faith within the course and scope of their employment in performance of their official duties. The State cannot reimburse any employee against which punitive damages have been awarded.

B. Tort Claims

Sovereign immunity as granted by the Arkansas Constitution and the Arkansas Code applies to tort claims as well. However, a state officer may be liable in his personal capacity if he acted or failed to act out of malice. For this reason, board members should always carefully consider whether they are influenced by any personal bias or motive when taking board action that will deprive another person of a property interest.

C. Actions filed under 42 U.S.C. § 1983

Just as the State’s Constitution grants sovereign immunity to the State from lawsuits in state court, the Eleventh Amendment to the United States Constitution removes the jurisdiction to the federal courts over suits filed against the states by citizens. Absent a state’s consent to being sued or a specific waiver of sovereign immunity, the Eleventh Amendment acts as an absolute bar to suits against a state or state official in federal court. An exception to this general principle is 42 U.S.C. §1983, a statute allowing a person to sue a state official when deprived of a life, liberty, or property interest under color of state law. That statute cannot be used to file suit against the state, but it can be used to file a lawsuit against an

individual employee or member of a state board or commission. However, the doctrine of qualified immunity shields a state official from individual liability when his conduct does not violate any clearly established statutory or constitutional right of which a reasonable person would have known.

D. Defamation

While state officials and board members enjoy the immunities described above, it is important to make sure that an individual board member does not commit the civil tort of defamation. A private figure can only recover damages against an officer of the state if the defamatory statement goes beyond that allowed by the officer's qualified privilege. A statement may exceed the scope of the privilege if it was not reasonably related to the subject matter of the official proceeding; if the statement was not made for the purpose of furthering the board's interest in the proceeding; if the content of the statement or the extent to which the statement was published was more than necessary to further the board's interest in, or discharge the board's duty with respect to, the proceeding; if the statement was made out of hatred, ill will, or a spirit of revenge; or if the official published the statement with a lack of belief in its truthfulness. A statement is defamatory if it is a statement of fact that is false and actually causes harm to a person's reputation. If you have any questions about defamation, you should consult your board's attorney.

1.16—NEPOTISM

The Schools shall require, as a condition of obtaining or renewing a contract of employment, that any individual desiring to be employed by the Schools shall disclose whether that person is a current or former: member of the General Assembly, constitutional officer, board or commission member, state employee, or the spouse or immediate family member thereof.

DEFINITIONS:

- I. Family or family member means:
 - A. An individual's spouse;
 - B. Children of the individual or children of the individual's spouse;
 - C. The spouse of a child of the individual or the spouse of a child of the individual's spouse;
 - D. Parents of the individual or parents of the individual's spouse;
 - E. Brothers and sisters of the individual or brothers and sisters of the individual's spouse;
 - F. Anyone living or residing in the same residence or household with the individual or in the same residence or household with the individual's spouse; or
 - G. Anyone acting or serving as an agent of the individual or as an agent of the individual's spouse.

- II. Initially employed means:
 - A. Employed in either an interim or permanent position for the first time or following a severance in employment with the Schools;
 - B. A change in the terms and conditions of an existing contract, excluding:
 - 1. Renewal of a teacher contract under A.C.A. § 6-17-1506;
 - 2. Renewal of a noncertified employee's contract that is required by law; or
 - 3. Movement of an employee on the salary schedule which does not require board action.

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

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

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

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

EXCEPTION: SUBSTITUTES

Qualified family members of board members may be employed by the schools as substitute teachers, substitute cafeteria workers, or substitute bus drivers for a period of time not to exceed thirty (30) days per fiscal year.

A family member of a school board member having worked as a substitute for the school in the past does not “grandfather” the substitute. The 30 day maximum limit is applied in all cases.

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

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

1.17-- POLICY GOVERNING PUBLIC COMMENTS AT BOARD OF TRUSTEES MEETINGS

The Board of Trustees for the Arkansas School for the Blind and the Arkansas School for the Deaf invites members of the public to attend its meetings so that citizens can publicly voice any concerns they have to the Board. The Board customarily hears public comments during its regularly scheduled monthly meetings. In order to accommodate members of the public who wish to offer comments, and to ensure that public comments are offered in an orderly and efficient manner, the following procedures will be followed:

1. Members of the public who wish to offer comments must have signed in prior to the meeting being called to order.
2. Members of the public may not name, by name, any individual students or school personnel, or offer any other individually identifiable information about any students or school personnel.
3. Members of the public are limited to 3 minutes to speak. However, the Board has the right to waive the time limitation.
4. The Chairperson of the Board has the authority to terminate the comments of any member of the public who fails to follow the procedures outlined above. The Chairperson of the Board also has authority to terminate the comments of any member of the public who uses abusive language or is otherwise disruptive to the meeting.
5. A total of 15 minutes will be allotted at the beginning of the joint agenda for members of the public to offer comments.

**BOARD OF TRUSTEES FOR THE ARKANSAS SCHOOL FOR THE BLIND AND
ARKANSAS SCHOOL FOR THE DEAF**

**SIGN IN FOR THOSE MEMBERS OF THE PUBLIC WHO WISH TO OFFER PUBLIC
COMMENTS**

Meeting Date: _____

I wish to offer public comments. I understand:

1. My comments will be limited to 3 minutes.
2. I will not use the names of any individual students or school personnel or use any other individually identifiable information during my comments.

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____