

**SECTION 1  
COMMUNITY RELATIONS, BOARD GOVERNANCE, & OPERATIONS**

<b>POLICY #</b>	<b>TITLE</b>	<b>DATE APPROVED</b>
1.1	Legal Status of the Board of Directors	05-09-2006
1.2-1.5	Board Organization	05-09-2005
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## **LEGAL STATUS OF THE BOARD OF DIRECTORS**

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

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

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

Legal Reference:                   A.C.A. § 6-13-620

Date Adopted: 05-09-06

Date Revised: 09-11-08

## BOARD ORGANIZATION AND VACANCIES

### Election of Officers

The Board shall elect a president, vice president, secretary, and legislative liaison at the first regular meeting following the later of: the certification of the results of the annual September school election; or if there is a run-off election, at the first regular meeting following the certification of the results of a run-off election.

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

### Vacancies

A vacancy shall exist on the Board if a member:

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

If credible evidence of a vacancy existing due to numbers 1-4 is presented to the president, vice president, or secretary of a school board of directors, a majority of the members of the school district board of directors shall:

- Vote on whether to appoint an independent investigator to investigate the credible evidence presented; and
- Hold a hearing on the existence of a vacancy.

A vacancy does not exist for numbers 2 and 4 if the reason for the member's absences or failure to receive training is either:

- a. Military service of the board member; or
- b. Illness of the board member that is verified by a written sworn statement of the board member's attending physician.

If a vacancy occurs on the board of directors, provided at least a quorum of the Board remains, the Board has thirty (30) days in which to appoint a successor to a vacated position of the Board. The successor must be registered to vote in the District and, if applicable, resides in the zone of the vacant position. If less than a quorum of the Board remains or the Board fails to fill the vacancy within thirty (30) days of the vacancy, the position shall be filled by the county quorum court.

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

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

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

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

#### **DUTIES OF THE PRESIDENT**

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

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

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

#### **DUTIES OF THE VICE-PRESIDENT**

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

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

## **DUTIES OF THE SECRETARY**

The duties of the Secretary of the Board shall include:

1. Being responsible to see that a full and accurate record of the proceedings of the Board are permanently kept and shall;
2. Serving as presiding officer in the absence of the President and Vice President;
3. Being responsible for official correspondence of the Board;
4. Signing all official documents that require the signature of the Secretary of the Board of Education;
5. Signing all official documents that require the signature of the Secretary of the Board of Education;
6. Performing such other duties as may be prescribed by the Board.

Cross References:      1.11 – Board Member Training  
                                 p.    – Duties of Board Disbursing Officer  
                                 1.19 – Board Member Length of Term and Holdovers  
                                 1.20 – Duties of the Legislative Liaison

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

Date Adopted: 05-09-2005  
Last Revised: 07-15-2013  
Last Revised: 07-14-2014  
Last Revised: 07-10-2017  
Last Revised: 06-04-2018

## BOARD MEMBER VOTING

### **Establishment of a Quorum**

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

### **Voting and failure to vote**

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

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

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

### **Abstentions from Voting**

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

Cross Reference: 1.6.1—ATTENDING MEETINGS REMOTELY

Legal Reference: A.C.A. § 6-13-619

Date Adopted: 05-11-2015

Last Revised:

### **ATTENDING MEETINGS REMOTELY**

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

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

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

A board member attending remotely shall not:

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

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

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

Legal Reference: A.C.A. § 6-13-619

Date Adopted: 05-11-2015

Last Revised: 06-08-2015

## POWERS AND DUTIES OF THE BOARD

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

Some of the duties of the Board include:

1. Developing and adopting policies to effect the vision of the District;
2. Understanding and abiding by the proper role of the Board of Directors;
3. Electing and employing a Superintendent and giving him/her the support needed to be able to effectively implement the Board's policies;
4. Conducting formal and informal evaluations of the Superintendent as deemed necessary and appropriate;
5. Employing, upon recommendation of the administrative staff and by written contract, the staff necessary for the proper conduct of the schools;
6. Seeing that all subjects for study prescribed by the State Board or by law for all grades of schools are taught;
7. Reviewing, adopting, and publishing the district's budget for the ensuing year;
8. Reviewing and adopting an annual salary schedule;
9. Being fiscally responsible to the district's patrons and maintaining the millage rate necessary to support the district's budget;
10. Involving the members of the community in the district's decisions to the fullest extent practicable; and
11. Striving to assure that all students are challenged and are given an equal educational opportunity.

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

Date Adopted: 06-26-72

Date Revised: 05-09-05



## GOVERNANCE AND POLICY FORMULATION

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

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

The official copy of the policy manual for the District shall be kept in the Superintendent's office. Copies of the manual within the District shall be kept current, but if/when discrepancies and/or variances, occur between manuals and student handbooks, the Superintendent shall make a recommendation to the Board about interpretation and the Board will make the decision.

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

The board affirms through its policies and its policy adoption process, its belief that: (1) the schools belong to the people who create them by consent and support them by taxation; (2) the schools are only as strong as an informed citizenry and knowledgeable school staff allow them to be; (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 Fouke School District.

### General Policies

Policies which are not personnel policies may be recommended by the Board or any member of the board; by the Superintendent, Assistant Superintendent, and other administrator or employee of the District; committee appointed by the Board; or by any member of the public. Policies adopted by the Board shall be within the legal framework of the State and Federal Constitutions, and appropriate statutes, rules, and court decisions.

When reviewing a proposed policy (non-personnel), 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.

### Licensed and Classified Personnel Policies

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

#### (1) Board Proposals:

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

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

When the PPC has possessed the proposed personnel policy for a minimum of ten (10) working days from the date the PPC received the proposed policy (i.e., then workdays, not including weekends or state or national holidays), the Chairman of the PPC, or the Chairman's designee, shall be placed on the Board of Director's meeting agenda to make an oral presentation to the Board to address the proposed policy. Following the presentation, the Board may vote at the same meeting at which the proposal is made, or in any case, no later than the next regular Board meeting to:

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

(2) Personnel Policies Committee Proposals:

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

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

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

When the Board is revising the licensed and classified personnel salaries, the Board of Directors shall, as required by Arkansas law, review and approve a written resolution any employee's salary increase of 5% or more for the employee.

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

**Effective date of policy changes:**

All personnel policy changes enacted during one fiscal year will become effective on the first day of the following fiscal year, July 1.

For a policy change to be made effective prior to July 1 of the following fiscal year, a vote must be taken of all licensed personnel or all classified personnel, as appropriate, with the vote conducted by the appropriate PPC. If, by a majority vote, the affected personnel approve, the policy becomes effective as of the date of the vote, unless otherwise specified by the Board in requesting such vote. No staff vote taken prior to final board action will be considered effective to make a policy change.

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

Student discipline policies shall be reviewed annually by the District's personnel policy committees and may recommend changes to such policies to the Board of Directors.

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

Cross References:        Policy 3.1 – Licensed Personnel Salary Schedule  
                                 Policy 8.1 - Classified Personnel Salary Schedule

Legal Reference:        A.C.A § 6-13-619(c)  
                                 A.C.A § 6-13-635  
                                 A.C.A. § 6-17-201,204, 205,2301  
                                 A.C.A. § 6-18-502 (b)(1)(2)

Date Adopted: 11-10-2003  
Last Revised: 08-16-2005  
Last Revised: 09-11-2008  
Last Revised: 06-11-2012  
Last Revised: 05-13-2013  
Last Revised: 07-15-2013

**ASSOCIATION MEMBERSHIPS**

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

Legal Reference: A.C.A. § 6-13-107

Date Adopted: 08-16-05

Date Revised:

## **BOARD MEMBER TRAINING**

Board members who have served on the board for twelve (12) or more consecutive months are required to obtain a minimum of six (6) hours of training by December 31 of each calendar year. Board members who are elected to serve an initial or non-continuous term shall obtain a minimum of nine (9) hours of training by December 31 of the year following their election and six (6) hours of training by December 31 of each calendar year thereafter. Hours obtained in excess of the required minimums may be carried forward through December 31 of the third (3<sup>rd</sup>) calendar year following the year in which the hours were earned.

The superintendent shall annually prepare a report of:

1. The hours of training each school board member received during the previous calendar year; and
2. hours of training, if any, a board member carried forward from a previous year that were eligible to be counted by the board member towards the previous year.

The superintendent will present the report to the Board at the Board's regular January meeting. A board member who failed to receive or carry forward the required number of hours of training, as indicated by the report, shall:

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

A board member who fails to receive the deficient hours of training within the thirty (30) days provided shall be removed from the board in accordance with Policy 1.2—BOARD ORGANIZATION AND VACANCIES unless the failure to receive the required hours of training was due to the board member's military service or a serious medical condition as indicated by a written sworn statement from the board member's treating physician. A board member who provides the necessary documentation demonstrating that the failure to receive the required hours of training was due to military service or a serious illness shall have until December 31 of the current calendar year to receive both the hours of training for the current calendar year and those the board member failed to obtain during the previous calendar year.

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

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

Such training shall be obtained from an institution of higher learning, from instruction provided by the Arkansas Department of Education (ADE), the Arkansas School Boards Association, or from other providers approved by the (ADE).

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

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

Board members shall be reimbursed, from the school funds, for expenses relating to such training.

Legal References:       A.C.A. § 6-13-629  
                              ADE Rule Governing Required Training for School Board Members

Date Adopted: 09-08-1986  
Last Revised: 05-09-2005  
Last Revised: 07-25-2006  
Last Revised: 06-13-2011  
Last Revised: 07-10-2017

## COMMITTEES

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

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

\*Legal Reference: A.C.A. § 25-19-106

Date Adopted: 06-26-72

Date Revised: 05-09-05

## **PLAN FOR BOARD MEETINGS**

The functions of the school board are chiefly and basically group functions that are performed in meetings. Therefore, planning and conducting board meetings are major elements of an effective pattern of board operation.

A board meeting, strictly speaking, shall begin at an appointed hour with a stroke of the president's gavel and shall end later in the same way. The meeting is regarded official only if a quorum exists (e.g. a seven member board must have four members present). To be properly understood, however, a board meeting shall be viewed in the following context:

- a. as an individual meeting beginning and ending with the stroke of the president's gavel;
- b. as a 30phase meeting sequence of pre-meeting, in-meeting, and post-meeting activities;
- c. and as a year long-series of connected meetings and activities.

### **1. MASTER CALENDAR (ANNUAL) OF BOARD DUTIES**

The superintendent shall prepare, subject to board approval, a schedule of the board's anticipated activities and obligations for the calendar year ahead. This calendar shall contain such items and activities as the following: board meetings, publication of financial statement, public notices, elections, appointment of personnel, public hearings, budget adoption, school calendar, approving textbooks, census reports, enrollment and attendance reports, etc.

### **2. THE INDIVIDUAL BOARD MEETING**

The individual meetings of the board shall be carefully planned to fit into the master calendar. Each meeting shall consist of three (3) essential phases-the period before, the period during, and the period after.

#### **a. The Period Before the Meeting**

Prior to each regular meeting the superintendent shall prepare specifically designed information folders and distribute to each board member in ample time for study and homework attention before the meeting. These folders shall contain the following instruments and items:

##### **(1) The Agenda**

The agenda shall guide the proceedings of the Board meeting. The Superintendent shall prepare the agenda with consultation from the Board President. Other members of the Board who desire to have an item placed on the monthly agenda may do so by contacting the Superintendent or, in writing, the Board President by 4:00 p.m. on Wednesday preceding the regular business meeting of the Board.

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

District patrons wishing to have an item placed on the Board meeting's agenda must submit their requests in writing to the Superintendent, by 4:00 p.m. on Wednesday preceding the regular business meeting of the Board. Such requests may be accepted, rejected, or referred back to the individual for further clarification. The written request must be sufficiently descriptive to enable the Superintendent and



Board President to fully understand and evaluate its appropriateness to be an agenda item. Such requests may be accepted, rejected, or referred back to the individual for further clarification.

The agenda will consist of the following items: (a) routine items; (b) action items; (c) discussion items; and (d) informative items.

(2) Administrative memorandum

The superintendent shall prepare specific and detailed memorandum of each agenda item. This memorandum shall consist of informal, advice comments, and precise recommendations. It shall, in clear language, tell the board exactly what the superintendent thinks the board should do about each agenda item.

(3) The Enclosures

The superintendent shall prepare the necessary reports, data, information, communications, etc. to keep the board properly informed of the status and progress of the school program and to substantiate recommendations concerning agenda items.

b. The Period During the Meeting

All board meetings (except executive session) shall be open to the public. At various times citizen committees, parent groups, or individual citizens shall be invited to attend board meetings for specific purposes. Those who want to address the board shall register prior to the scheduled meeting time.

Patrons whose written request to be placed on the meeting's agenda has been accepted shall have no more than 5 minutes to present to the Board unless specifically granted additional time by a motion approved by the majority of the Board. The speaker shall limit his/her comments to the approved topic/issue or forfeit his/her right to address the Board. The members of the Board will listen to the patron's presentation, but shall not respond to the presenter during the meeting in which the presentation is made. The Board may choose to discuss the issue presented at a later meeting, but is under no obligation to do so.

Rules of order shall be followed by the president of the board in the conduct of all board meetings.

The president of the board shall thoroughly familiarize himself with the agenda prior to each meeting. He shall understand the shape and tone of the meeting and shall keep its image clearly before the board and the audience at all times. He shall direct the meeting in such a manner as to focus on main issues: exploring the consequences of various choices; encouraging pointed discussion; building agreement whenever possible; and winding up the discussion when it starts going "around" instead of "ahead". He shall move through the agenda in an orderly fashion as rapidly as reasonably feasible. Well planned and well conducted meetings should see all routine items complete in one (1) hour.

c. The Period After the Meeting

1. The Minutes of the Meeting

The recording secretary, equipped in advance, with a complete board meeting information folder, shall be thoroughly familiar with the items to be considered, the actions recommended, and wording of any pre-written motions. During the meeting the secretary shall follow the board's actions closely, initialing as approved, any preset motions, sketching out new motions, and collecting for official signatures, schedules, reports, and other documents approved during the meeting. The recording secretary shall prepare and mail an exact copy of the minutes of each meeting to the board members within four (4) days following each meeting of the board.

The minutes and other official documents shall be kept in a bound volume or on file in the office of the superintendent. Any motion that is withdrawn shall not be recorded in the minutes. Any member of the board has the right to request that statements of opposition be recorded in the minutes.

In addition, the superintendent shall route and distribute, in the most feasible manner, board actions and programs to appropriate school personnel to properly inform and to implement and execute board plans and policies.

Cross Reference: 1.8-1.9– Policy Formulation

Legal References: A.C.A. §6-13-61-(a)(2)  
A.C.A. §6-17-205(c)

Date Adopted: 04-04-1977

Date Revised: 11-10-2005

Date Revised: 08-16-2005

Date Revised: 07-15-2013

Date Revised: 06-20-2016

## **TORT IMMUNITY**

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

Date Adopted: 02-09-04

Date Revised:

### **DUTIES OF BOARD DISBURSING OFFICER(S)**

The District's Board of Directors Disbursing Officer, along with the Superintendent, shall be responsible for signing, manually or by facsimile, all warrants and checks other than those issued for food service and activity funds.

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

For the purposes of this policy, "activity funds" is defined as those funds whose sources of revenue are from:

1. The sale of tickets to athletic contests or other school-sponsored activities;
2. The sale of food, except that which is sold in the lunchroom;
3. The sale of soft drinks, school supplies, and books; and
4. Fees charged by clubs and organizations.

Cross Reference: 7.20-Electronic Fund Transfers

Legal Reference: A.C.A. § 6-13-618 (c)

Date Adopted: 09-15-2003

Date Revised: 06-13-2011

Date Revised: 06-11-2012

Date Revised: 06-20-2016

## NEPOTISM

### **DEFINITIONS:**

Family or family member means:

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

Initially employed means:

- A. Employed in either an interim or permanent position for the first time or following a severance in employment with the school district;
- B. A change in the terms and conditions of an existing contract, excluding:
  - I. Renewal of a teacher contract under A.C.A. § 6-17-1506;
  - II. Renewal of a non-certified employee's contract that is required by law; or
  - III. 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 district shall not initially employ a present board member's family member for compensation in excess of \$5,000 unless the district 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.

### **EXCEPTIONS: SUBSTITUTES**

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

A family member of a school board member having worked as a substitute for the district in the past does not "grandfather" the substitute. The thirty (30) day minimum 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 state mandated salary increase for the employee in question, must be approved by the Commissioner of the Department of Education before such changes in the employment status is effective, valid, or enforceable.

**QUALIFICATIONS FOR RUNNING FOR SCHOOL BOARD MEMBER UNCHANGED**

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

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

Date Adopted: 08-16-05

Date Revised:

## DISTRICT AUDITS

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

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

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

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

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

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

Date Adopted: 07-16-2018

Last Revised:

## **BOARD MEMBER LENGTH OF TERM and HOLDOVERS**

The District has seven (7) Board of Directors members. Each member is elected for a term of service of five (5) years. Members may be re-elected to serve consecutive terms so long as the member continues to meet the eligibility requirements for board service.

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

Cross Reference: Policy 1.2 —BOARD ORGANIZATION AND VACANCIES

Legal References: A.C.A. § 6-13-608

A.C.A. § 6-13-611

A.C.A. § 6-13-616

A.C.A. § 6-13-617

A.C.A. § 6-13-630

A.C.A. § 6-13-631

A.C.A. § 6-13-634

Arkansas Attorney General Opinion 2003-319

Arkansas Attorney General Opinion 2015-112

Arkansas Constitution Article 19, Section 5

Date Adopted: 05-11-2015

Last Revised: 06-04-2018



**DUTIES OF THE LEGISLATIVE LIAISON**

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

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

Cross Reference: 1.2—BOARD ORGANIZATION and VACANCIES

Date Adopted: 05-11-2015

Last Revised:

## **DATE OF ANNUAL SCHOOL BOARD ELECTION**

The annual school board election for the Fouke School District shall be held on the first Tuesday following the first Monday in November

Individuals wishing to run for office in the election may begin circulating petitions to collect signatures one hundred twenty (120) days before the election.

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

A copy of this policy will be provided annually to the county clerk by no later than the day the candidate filing period opens for school elections held with the preferential primary.

Legal References: A.C.A. 6-14-102

A.C.A. § 6-14-111

A.C.A. § 7-7-203

Date Adopted: 06-04-2018

Last Revised:

**NON-DISCRIMINATION**

The Fouke School District shall operate as an equal opportunity agency and shall not discriminate on the basis of race, sex, creed, or national origin. All standards established by the governments of the United States and the State of Arkansas in regard to equal opportunities in employment, attendance, or participation in programs shall be adhered to in all student and personnel policies.

Date Adopted: 09-08-1986

Date Revised:

**SUNDAY ACTIVITIES POLICY**

No school activities except baccalaureate shall be held on Sunday except due to extreme, extenuating circumstances.

Date Adopted: 12-08-86

Date Revised: 05-09-05

**BOARD OF EDUCATION ELECTION**

The Fouke Board of Education shall consist of seven (7) members elected at large by the qualified voters of the Fouke School District of Miller County. Each member shall be elected for a term of five (5) years and according to Act 274 requirements.

Legal Reference: A.C.A. § 6-13-618

Date Adopted: 06-26-72

Date Revised: 09-15-03

Date Revised: 05-09-05

**MEETING FOR THE ELECTION OF OFFICERS**

At the first regular or called meeting following the certification of elected board members, the board shall elect a president, vice-president, and secretary. The Superintendent of Schools shall serve as ex-officio secretary.

Date Adopted: 06-26-72

**AMENDMENT OF POLICIES AND REGULATIONS**

The policies and regulations of the Board of Education may be amended by a majority vote of the entire board of any meeting, provided that each member shall have been furnished by the Secretary a copy of the proposed amendment at least one week in advance. Amendment shall be made by repealing the existing rule and the enactment of a new rule. The Superintendent shall give notice of any amendments, revisions, and/or deletions of these policies as directed by the board.

Date Adopted: 06-26-72

**MOTIONS SETTING POLICY**

Any motion that sets school policy or alters existing school policy shall be written in policy form and sent to each Board member for their files.

Date Adopted: 06-17-85