

# Virginia Board of Education Agenda Item



**Agenda Item:** J

**Date:** January 28, 2016

<b>Title</b>	First Review of Revisions to the Virginia Board of Education's Bylaws		
<b>Presenter</b>	Mrs. Melissa Luchau, Director for Board Relations		
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**Purpose of Presentation:**

Review/action required by Board of Education bylaws.

**Previous Review or Action:**

No previous review or action.

**Action Requested:**

Action will be requested at a future meeting. Specify anticipated date below:  
February 25, 2016: Final Review

**Alignment with Board of Education Goals: Please indicate (X) all that apply:**

	Goal 1: Accountability for Student Learning
	Goal 2: Rigorous Standards to Promote College and Career Readiness
	Goal 3: Expanded Opportunities to Learn
	Goal 4: Nurturing Young Learners
	Goal 5: Highly Qualified and Effective Educators
	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
X	Other Priority or Initiative. Specify: Governance of Virginia Board of Education

**Background Information and Statutory Authority:**

Pursuant to the *Code of Virginia* § 22.1-16, the Board of Education may adopt bylaws for its own governance.

§ 22.1-16. Bylaws and regulations generally.

The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

The bylaws were last revised September 22, 2004.

**Summary of Important Issues:**

The proposed revisions to the Board's bylaws are included as Attachment A. The primary revisions were made to bring the bylaws in line with current practice and the *Code of Virginia*.

Following is a summary of the proposed revisions:

Article One: Purpose

- Mission statement adds strength to the purpose section

Article Two: Membership

- No revisions

Article Three: Officers

- Clarifies that the Vice President shall assume the role of Interim President if a vacancy occurs in the office of the President
- Aligns notice of meetings with the *Code*
- Removes “seal of the Board”
- Describes when the election of officers will take place

Article Four: Meetings

- Removes designation of February as the annual meeting of the Board
- Describes when the Board shall adopt a tentative schedule for regular meetings, and the general schedule for Board meetings
- Describes generally the schedule for standing committee meetings
- Describes attendance expectations for Board meetings
- Provides an exception for when members not present at a meeting may vote
- Aligns notice of meetings with the *Code* and current practice
- Clarifies expectation related to Conflicts of Interest
- Removes waiver section
- Adds policy for individual members to participate in meetings electronically

Article Five: Executive Sessions

- No revisions

Article Six: Resolutions of the Board

- Clarifies that Board actions will be recorded and maintained as public records

Article Seven: Agenda for Meetings

- Allows items to be added to the agenda by a majority vote

Article Eight: Consent Agenda/Board Review Procedures

- Clarifies that board items shall receive at least two reviews

Article Nine: Committees

- Clarifies the Board may dissolve a special committee

Article Ten: Student Advisory Committee

- Removes committee

Article Eleven: Public Participation

- Clarifies and aligns public participation procedures with the *Code* and current practice

Article Twelve: Board Operations

- Aligns procedures for posting of minutes with the *Code*
- Clarifies Secretary's discretion regarding funds

Article Thirteen: Amendments

- No revisions

Article Fourteen: Miscellaneous

- No revisions

Article Fifteen: Revising the Standards of Quality

- Aligns authority and process with the *Code*

Article Sixteen: Advisory Committee Operations

- Provides flexibility regarding the advisory committee's charge and reports to the Board
- Describes term of service for committee members
- Aligns notice of meetings with the *Code*
- Clarifies expectation related to Conflicts of Interest
- Aligns procedures for posting of minutes with the *Code*

**Impact on Fiscal and Human Resources:**

Any costs associated with the development of the bylaws will be provided by Department of Education funds according to state procurement policies and procedures.

**Timetable for Further Review/Action:**

Department staff will incorporate feedback from Board members prior to final review, which is anticipated for February 25, 2016.

**Superintendent's Recommendation:**

The Superintendent of Public Instruction recommends that the Board of Education receive the revised bylaws for first review.

Proposed new language is underlined. Proposed language for deletion is ~~stricken-thru~~. Issues for consideration are noted in a box.

## BYLAWS OF THE VIRGINIA BOARD OF EDUCATION

Adopted June 22, 2000  
Amended October 19, 2000  
Amended October 22, 2001  
Amended September 22, 2004  
Amended Date, 2016

In accordance with § 22.1-16 of the *Code of Virginia* of 1950, ~~as amended, (the “Virginia Code”)~~, the Virginia Board of Education (the “Board”) hereby adopts the following bylaws, effective as of the date and authorized signature below, for its own ~~government and to promulgate such regulations as may be necessary~~ governance to carry out its powers and duties.

### ARTICLE ONE: PURPOSE

In accordance with Article VIII, § 4, of the Constitution of Virginia, the general supervision of the public school system in the Commonwealth of Virginia shall be vested in the Board of Education.

The mission of the Board of Education, in cooperation with its partners, is to develop policies and provide leadership that improve student achievement and prepare students to succeed in postsecondary education and the workplace.

### ARTICLE TWO: MEMBERSHIP

**Section 1. Composition.** The Board shall consist of nine members appointed by the Governor of Virginia, subject to confirmation by the General Assembly of Virginia.

**Section 2. Term of Membership.** Every appointment to the Board shall be for a term of four years, except that appointments to fill vacancies other than by expiration of a term shall be for the unexpired terms. No member of the Board shall be appointed to more than two consecutive four-year terms.

### ARTICLE THREE: OFFICERS

**Section 1. President.** The President of the Board shall be elected by a majority of the Board members. The President shall be elected from the Board membership for a term of two years. The President may succeed himself or herself. The election of the President shall be by a recorded vote.

The President shall preside over meetings of the Board, and shall have all powers and duties as necessary to fulfill the role of chief executive of the Board and its presiding

officer and as may be, from time to time, conferred or prescribed by the Board. The President shall exercise supervision and direction over the Board's goals and affairs and discharge all duties generally pertaining to such office as the executive head of an organization of this character, subject to the control of the Board members. The President shall appoint members of the Board to serve on standing committees and appoint special committees with non-Board members as deemed necessary.

Issue for Consideration:

Should the Vice President automatically become the President?

**Section 2. Vice President.** The Vice President of the Board shall be elected by a majority of the Board members. The Vice President shall be elected from the Board membership for a term of two years. The Vice President may succeed himself or herself. The election of the Vice President shall be by a recorded vote.

The Vice President shall have such powers and perform such duties as may from time to time be conferred or prescribed by the Board. In the absence of the President, the Vice President shall discharge all such executive duties of the office of President. If a vacancy occurs in the office of the President, the Vice President shall assume the role of Interim President, until an election of officers takes place at the first regular Board meeting after the vacancy occurs.

**Section 3. Secretary.** In accordance with § 22.1-23 of the ~~Virginia Code~~ Code of Virginia, the Superintendent of Public Instruction shall serve as Secretary of the Board and shall perform such other duties as the Board may prescribe. The Secretary shall attend all meetings of the Board and record all votes and the proceedings of the meetings ~~in a book to be kept for that purpose~~ and shall perform like duties for any other standing committees, if required. The Secretary shall give, ~~or cause to be given,~~ notice of all meetings of the Board in accordance with § 2.2-3707 of the Code of Virginia, and shall perform such other duties as may from time to time be prescribed by the Board or the President, under whose supervision he or she shall act. ~~The Secretary shall have custody of the seal of the Board, and the Secretary, or an Assistant Secretary, shall have authority to affix the same to any instrument requiring it, and when so affixed, the seal may be attested by his or her signature or by the signature of such Assistant Secretary. The Board may give general authority to any other officer to affix the seal of the Board and to attest the affixing thereof by his or her signature.~~

**Section 4. Other Officers.** Additional officers, in the discretion of the Board, may be elected from time to time to perform such duties and undertake functions designated by the Board.

**Section 5. Election of Officers.** The election of officers shall take place at a regular Board meeting. Following the conclusion of the term of office of the current President, Vice President or any other officer approved by the Board, the election of officers shall take place at the next regular Board meeting. If a vacancy occurs prior to the conclusion of the regular term of office of an officer, the election to fill that vacancy may take place,

if such vacancy becomes known at a regular Board meeting, at that Board meeting, but must take place no later than the next regular Board meeting.

## ARTICLE FOUR: MEETINGS

**Section 1. Annual Meeting.** ~~The first meeting after February 1 shall be designated as the annual meeting of the Board. At the annual meeting, the members shall elect the President and Vice President for any expired terms, in even-numbered years. At the annual meeting, the members shall also consider any other business that may properly come before the Board.~~

**Section 2(1). Regular Meetings.** ~~Prior to and no later than the annual meeting~~ January of the applicable calendar year, the Board shall adopt a tentative schedule for regular meetings for the ~~applicable~~ calendar year. Such schedule shall be subject to the change, alteration, or adjustment by the ~~President as he or she~~ Board as it deems appropriate to accommodate the operation of the Board.

Although it is not a requirement, the Board has generally met monthly except for the months of August and December. Regular meetings are typically held on the fourth Thursday of the month, except as scheduled to avoid holidays or other events of interest to the Board.

**Section 3(2). Special Meetings.** A special meeting of Board members may be called by the President in his or her sole discretion. In the absence of the President, the Vice President or Secretary, upon written request to the Secretary by five or more members of the Board, may call a special meeting. No business other than that specified in the notice of the meeting shall be transacted at any special meeting of the Board.

**Section 3. Standing Committee Meetings.** Meetings of the Board's standing committees shall generally be scheduled on the day before the Board's regular meeting, as needed. The President or the Chair of the standing committee may call a meeting of a Board's standing committee.

**Section 4. Attendance at Meetings.** Board members are expected to attend all regular meetings, special meetings, and standing committee meetings for which they are a member. If a Board member is unable to attend a meeting called in accordance with these bylaws, he or she shall promptly notify the Secretary.

**Section 4(5). Place of Meetings.** ~~Annual and regular Meetings of the Board shall ordinarily be held at the office of the Superintendent of Public Instruction. The Board may hold annual and regular meetings at such other place or places, for any time period, within the Commonwealth of Virginia, as designated in advance by the Board or the President, or in the absence of the President, by the Vice President.~~

**Section 5(6). Adjournment.** Any duly called meeting of the Board may be adjourned

to a later time and place, determined by the Board members present, whether such members constitute a quorum for transaction of business, provided that such time and place are announced at the meeting. No other notice of the adjourned meeting shall be required.

**Section 6(7). Voting Proxies.** At meetings of the Board, all members present shall be entitled to exercise voting rights on all matters. Members not present at a meeting shall not be entitled to vote ~~by proxy, except as provided in Article 4, Section 11.~~

**Section 7(8). Notices of Meetings.** ~~Written notice stating the place, day, and hour date, time, and location of any meeting of the members Board, and in case of a special meeting the purpose or purposes for which the meeting is called, shall be given to each Board member not less than 40 7 days before the date of the meeting by or at the direction of the President, or the Secretary, or the persons calling the meeting. A notice shall be deemed duly given to a Board member when it is: (1) adopted by the Board as part of its tentative regular meeting schedule and is not subsequently changed or altered in accordance with Article 4, Section 2 above, or (2) when it is sent via e-mail, fax, or postal mail to the address on record for the Board member delivered in person or mailed, postage-prepaid, to the address of such Board member as it appears on the records of the Board, or (3) when it is sent via telecopier (fax?) or electronic mail transmission to the telecopier number or electronic mail address of such Board member, and the sender has received a confirmation from the Board member that such transmission has been received.~~

~~Written notice stating the place, day, and hour date, time, and location of any meeting of the Board members of the board shall be provided to the public at least three working days prior to the meeting and in accordance with § 2.2-3707 of the Code of Virginia. The notice shall state whether or not public comments will be received at the meeting and, if so, the approximate point during the meeting when public comments will be received.~~

**Section 8(9). Voting and Quorum.** Each member of the Board shall be entitled to one vote with respect to each matter voted on by the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business. Except as expressly provided otherwise in these bylaws, the vote of a majority of the Board members present at any meeting at which a quorum is present shall be the act or resolution of the Board.

**Section 9(10). Conflict of Interest.** Board members shall read and familiarize themselves with the provisions of the State and Local Government Conflict of Interests Act, and in any case where a member has a personal interest in a particular vote of the Board, such member(s) shall excuse himself or herself from the vote of the Board.

~~**Section 10. Waiver.** Whenever any notice is required to be given under the provisions of law or these bylaws, a written waiver thereof, signed by the person or persons entitled to such notice and filed with the records of the meeting, whether before or after~~

~~the time stated therein, shall be conclusively deemed to be equivalent to such notice. In addition, any member who attends a meeting of the Board without protesting at the commencement of the meeting such lack of notice shall be conclusively deemed to have waived notice of such meeting.~~

**Section 11. Electronic Participation.** It is the policy of the Virginia Board of Education that individual Board members may participate in meetings of the Board by electronic means as permitted by § 2.2-3708.1 of the Code of Virginia. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

Whenever an individual member wishes to participate from a remote location, the law requires a quorum of the Board to be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The reason that the member is unable to attend the meeting and the remote location from which the member participates must be recorded in the meeting minutes. When such individual participation is due to an emergency or personal matter, such participation is limited by law to two meetings or 25 percent of the meetings of the public body per member each calendar year, whichever is fewer.

Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act. If a member's participation from a remote location is challenged, then the Board shall vote whether to allow such participation. If the Board votes to disapprove of the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

Issue for Consideration:

Does the Board want to allow individual Board members to participate electronically in the event of an emergency or personal matter, or temporary or permanent disability or other medical condition, or when a member's principal residence is more than 60 miles from the primary meeting location?

## **ARTICLE FIVE: EXECUTIVE SESSIONS**

The Board may decide to go into executive session at any of its meetings in accordance with the laws of the Commonwealth of Virginia. Prior to such action, the Board must adopt a motion to go into executive session. The Board shall discuss only matters in an executive session as specified by the Virginia Freedom of Information Act or other applicable law. The Board may take no final action on any item in executive session. At the conclusion of any executive session, the Board must reconvene in public session and take a vote of the membership to come out of executive session.

## **ARTICLE SIX: RESOLUTIONS OF THE BOARD**

All ~~resolutions~~ actions adopted by the Board shall be signed by the President and shall remain in effect until repealed, amended, or otherwise suspended by subsequent resolution. The Secretary shall maintain an appropriate record of all Board ~~resolutions~~ actions in effect and make such record available to the Board and the public upon request.

## **ARTICLE SEVEN: AGENDA FOR MEETINGS**

The Board will have a published agenda for all regularly scheduled public meetings. Items may be placed on the agenda by the Superintendent of Public Instruction or any member of the Board through the President of the Board. Final decision on the placement of items on the agenda will be made by the President of the Board.

Items may be added to the agenda by a majority vote of the Board.

## **ARTICLE EIGHT: CONSENT AGENDA/BOARD REVIEW PROCEDURES**

**Section 1. Consent Agenda.** The President or presiding officer may place any item on the consent agenda for the applicable Board meeting. Items may also be placed on the consent agenda by majority vote of the Board. The consent agenda shall be adopted by a majority vote of the Board. Such item may be removed from the consent agenda by any Board member wishing to have it placed on the regular Board meeting agenda.

**Section 2. Action on Items.** Items that are not placed on the consent agenda but which require the Board's action must be reviewed by the Board at a minimum of two separate meetings. Such review shall consist of at least a first review and a final review. Action may be taken on an item when it is brought to the Board for final review. The Board may waive the requirement for two separate reviews of any agenda item by majority vote.

~~The materials, including the boiler plate and any appropriate background materials, for each item requiring Board action must be provided to all members not less than seven days before the meeting in which first review has been scheduled. The Board may waive this requirement for advance receipt of materials only by unanimous vote of the Board members present.~~

Issue for Consideration:

Regarding receiving and considering materials after the 7 day advance requirement- should we allow for more flexibility – perhaps a majority or two-thirds vote – while still maintaining the requirement?

## **ARTICLE NINE: COMMITTEES**

**Section 1. Standing and Special Committees.** The Board may create standing committees composed of Board members and non-Board members, as it shall deem appropriate, and impose upon such committee or committees such functions and duties, and grant such rights, powers, and authority as the Board shall prescribe. The President shall appoint all members to serve on standing committees.

Special committees of the Board may be established and appointed by the President for specific assignments. All special committees shall report their findings and recommendations to the Board. All special committees shall dissolve upon the completion of their stated assignment or by act of the ~~President~~ Board.

**Section 2. Advisory Committees.** Advisory committees may be created by the Board for special purposes to include, but not be limited to, federal and state-mandated committees. An advisory committee shall be composed of persons who represent the views and interests of the general public and who are known to be qualified to perform their duties. Personnel of the Department of Education may be appointed to the committee, as members or as consultants. Unless otherwise prescribed by state or federal law or regulations, all appointments to an advisory committee shall be made by the Board upon the recommendations of the Superintendent of Public Instruction.

Each committee shall be instructed as follows:

1. The length of time each member is being asked to serve;
2. The service the Board wishes the committee to render, the extent and limitations of its responsibilities;
3. The resources the Board will provide;
4. The approximate dates on which the Board wishes to receive reports; and
5. The responsibilities for the release of information.

The Board possesses legal powers and prerogatives that cannot be delegated or surrendered to others; therefore, all recommendations of an advisory committee must be submitted to the Board for action. The Board shall have sole power to dissolve any of its advisory committees and shall reserve the right to exercise this power at any time.

Advisory committees to the Board of Education shall be established and operate in accordance with the procedures specified herein under Article Sixteen.

## **~~ARTICLE TEN: STUDENT ADVISORY COMMITTEE~~**

~~The Board shall have a standing Student Advisory Committee consisting of twelve students, the President, the Secretary and two members of the Board appointed by the President. Student members shall be selected by a committee of the Board appointed by the President. Such student membership shall consist of one high school student from each of the eight Superintendents' Regions in the Commonwealth and four middle school students selected at-large from the Commonwealth. The President or a~~

~~designated Board member shall preside over all meetings of the Student Advisory Committee, which shall meet at least three times a year, or as prescribed by the President or the Board designee, with one meeting to coincide with a regularly scheduled Board meeting.~~

## **ARTICLE ELEVEN(TEN): PUBLIC PARTICIPATION**

~~Citizens of the Commonwealth~~ Members of the public are encouraged to attend all Board meetings, except executive sessions as defined by the Freedom of Information Act, and may record the proceedings in writing or by using a recording device.

~~The Board is not required to allow citizens to speak at every meeting, but will seek to do so as appropriate~~ will provide an opportunity for members of the public to address the Board at its meetings, as appropriate, during the public comment portion of the meeting. ~~Opportunities will be provided, at the discretion of the Board President, for individuals or citizens representing a group or groups to appear on the agenda of a regular meeting or work session of the Board.~~

~~Requests to appear before~~ address the Board or one of its committees during the public comment portion of the meeting ~~shall be made in writing 10 days before a scheduled meeting of the board and must~~ include the subject to be discussed and the name of the speaker.

Requests to address a Board's committee shall be limited to items before the committee at the particular meeting in which the speaker is requesting to address the Board's committee.

Requests to address the Board or one of its committees during the public comment portion of the meeting should be submitted to the Department of Education in advance of the meeting, but may be submitted the day of the meeting, at the discretion of the President or committee chairperson. ~~The 10 days may be waived by the President or committee chairperson if the item is on the agenda.~~ In honoring such requests, the Board will limit such presentations comments to three minutes for each speaker ~~individuals and five minutes for citizens representing a group, unless an extension is granted by the President or committee chairperson~~ at the discretion of the President or committee chairperson.

Where issues involving a variety of views are presented before the Board, the Board reserves the right to allocate the time available so as to ensure that the Board hears from different points of view on any particular issue.

Public comment speakers will be encouraged to provide multiple written copies of their comments or other materials amplifying their views.

Issue for Consideration:

Should public comment during a committee meeting be limited to items before the

committee? General comments would be directed to the Board during its regular meeting.  
All speakers are limited to 3 minutes, at the discretion of the President or committee chairperson.

## **ARTICLE TWELVE(ELEVEN): BOARD OPERATIONS**

**Section 1. Promulgation and Adoption of Regulations.** The Board shall promulgate such regulations as may be necessary to carry out its powers and duties. Regulations recommended for adoption by the Board shall be promulgated in accordance with the Administrative Process Act and Virginia Register Act, as well as any applicable Executive Order by the Governor.

**Section 2. Contracts.** The President and Secretary of the Board shall sign all contracts and agreements entered into by the Board unless the Board delegates to a specific person other than these two officers.

**Section 3. Official Papers.** All official records of the Board shall be open for public inspection. Further, the official records of the Board shall be kept on file in the Department of Education for a period of five years, after which the record shall be maintained in accordance with the Records Retention and Disposition Schedule prescribed by the Library of Virginia.

Minutes of all meetings shall be filed electronically, as required by § 2.2-3707.1 of the Code of Virginia. Draft minutes of meetings shall be posted as soon as possible but no later than ten working days after the conclusion of the meeting. Final approved meeting minutes shall be posted within three working days of final approval of the minutes.

**Section 4. Compensation and Expenses.** Members of the Board may receive a per diem, or portion thereof, in an amount set by the General Assembly while attending regular and special meetings of the Board or while participating in Board-related activities pursuant to § 2.2-2813 of the Code of Virginia. The members of the Board may receive reimbursement for reasonable expenses incurred while attending meetings of the Board or any committee thereof, or in performing duties as a member of the Board, in accordance with applicable state laws and regulations. Board members are encouraged to attend at least one regional or national meeting per year related to the responsibilities of the Board of Education. Reimbursement ~~will~~ may be available for expenses to attend such meetings at the discretion of the Secretary.

## **ARTICLE THIRTEEN(TWELVE): AMENDMENTS**

These bylaws may be altered, amended, or repealed only by a vote of at least seven members of the Board after a first and final review has been completed in two separate meetings. The requirement for a first and final review at two separate meetings may not be waived by the Board, unless such waiver is approved by every member of the Board.

## ARTICLE FOURTEEN(THIRTEEN): MISCELLANEOUS

**Section 1. Addresses.** The addresses and/or telephone numbers used ~~in~~ for any notice given under the bylaws shall be those appearing on the books of the Board, and it shall be the individual member's responsibility to ensure that the Secretary has the correct address.

**Section 2. Robert's Rules.** Except as otherwise stated herein, all meetings of the Board shall be governed by the current edition of Robert's Rules of Order.

**Section 3. Gender.** All personal pronouns used in these bylaws, whether used in the masculine, feminine, or neuter gender, shall include all other genders, the singular shall include the plural, and vice versa, as the context may require.

**Section 4. Repeal of All Previous Acts.** All previous enactments of the Board's bylaws prior to the date set forth below are hereby repealed and declared null and void.

**Section 5. Copy to All Members.** The Board hereby directs the Secretary to provide all Board members with current copy of these bylaws and all amendments thereto.

## ARTICLE FIFTEEN(FOURTEEN): REVISING THE STANDARDS OF QUALITY

Pursuant to § 22.1-18.01 of the Code of Virginia, the Board and its respective standing committee shall in even-numbered years, exercise its constitutional authority to determine and prescribe the need for a review of the Standards of Quality from time to time but no less than once every two years. The Board shall establish, by resolution, the process for such review. The Board shall consider making changes, if any, to the Standards of Quality based upon that review by reviewing the standards and either (i) proposing amendments to the standards or (ii) making a determination that no changes are necessary.

The results of the Board's review and any recommended changes shall be communicated to the Governor and also to the Chairmen of the House Committee on Education, the House Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance.

## ARTICLE SIXTEEN(FIFTEEN): ADVISORY COMMITTEE OPERATIONS

**Section 1. Purpose.** For any advisory committee established under Article Nine above, the Board shall specify the purpose of the advisory committee, and shall specify the extent and limitations of the committees' responsibilities. Such purpose shall be in accordance with the Board of Education bylaws and any applicable state or federal law or regulation. Advisory committees shall act within the scope of authority specified by the Board. All advisory committee members acknowledge, by virtue of their service on

the advisory committee, that their authority with respect to work of the advisory committee is limited to the matters assigned to it by the Board and by applicable state or federal law or regulation.

The Board shall ~~annually~~ direct advisory committees to undertake studies or assignments on specific topics and to make recommendations related to specific issues. The Board shall give a charge to each advisory committee ~~at its annual planning meeting and~~ as the Board president deems necessary and appropriate. The advisory committees shall report back to the Board on its findings and recommendations of those topics and issues identified by the Board for its review within the timeframe requested by the Board, ~~but not later than the annual planning meeting the following year.~~

Each advisory committee shall make an annual report to the Board of Education. The annual report shall include the findings and recommendations of those issues and topics identified by the Board for deliberation by the committees, or an update on the advisory committee's progress.

The Board may dissolve an advisory committee at any time, unless the advisory committee is required by state or federal laws or regulations. An advisory committee shall be deemed dissolved if it has conducted no business for 12 or more consecutive months. At its discretion, however, the Board may reconstitute an advisory committee that has been dissolved.

**Section 2. Operating Procedures.** The operating procedures outlined in this article shall govern the proceedings of all advisory committees, unless otherwise provided in state or federal law or regulations. All proceedings of ~~the~~ advisory committees' meetings shall be as prescribed by Robert's Rules of Order.

The Superintendent of Public Instruction shall determine the staff and funding resources needed to conduct the business of ~~the~~ advisory committees.

**Section 3. Membership.** The Board shall determine the number of members to serve on an advisory committee, and shall appoint the members of the committee, as specified in Board bylaws under Article Nine, Section 2, except as provided by state or federal law or regulation. Nominations for all vacant positions will be solicited as widely as practicable and on forms provided by the Department of Education.

Members of advisory committees shall not receive compensation for their service, but may be reimbursed for travel expenses in accordance with state travel guidelines set forth by the Department of Accounts.

The Board, at its discretion, may appoint a member of the Board to serve as liaison to the advisory committee.

Issue for Consideration:
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Should language be added that members shall serve as the discretion of the Board president? In the case that we need to ask a member to resign, does the president have the authority to do that?

**Section 4. Term of Service.** Appointments to an advisory committee shall be for a term of three years. Members of an advisory committee may be appointed to a second consecutive three-year term, but shall not be eligible to serve for more than six consecutive years; except that a member of an advisory committee who is serving a four-year term on October 1, 2004 and who is eligible for appointment to a second term would be eligible to be appointed to a three year second term. A member filling the unexpired term of a member who resigned from the committee may be appointed to another consecutive three-year term. However, members of the Student Advisory Committee shall serve a term of one year, in accordance with Article Ten of the Board's bylaws. re-appointed, with no member serving more than two consecutive three-year terms. Any vacancies shall be filled by the Board.

**Section 5. Advisory Committee Chair.** The role of the committee chair is to conduct the meetings. The initial chair of an advisory committee shall be appointed by the President of the Board or, at the President's discretion, co-chairs may be appointed. Thereafter, upon any expiration of term or vacancy of such positions, the chair or co-chairs shall be elected by the advisory committee according to Robert's Rules of Order. No co-chair may act on any matter pertaining to this joint office without the consent of the other co-chair. The chair shall have individual voting rights on all matters before the advisory committee and shall be responsible to present the findings and recommendations of the advisory committee at least annually and at other times requested by the Board. The committee may elect a vice chair, in accordance with Robert's Rules of Order, who presides if the chair is unable to attend the meeting.

**Section 6. Meetings.** All meetings of an advisory committee shall be held in a location and in a facility that is accessible to the public, as provided by the Freedom of Information Act (§ 2.2-3700 et seq., Code of Virginia). The Department of Education shall give notice of all meetings of the Board's advisory committees in accordance with § 2.2-3707 of the Code of Virginia. ~~The committee chair shall work with Department of Education staff assigned to serve as a resource to the committee, and with the executive assistant to the Board of Education to ensure that the public is notified of all meetings in accordance with the Freedom of Information Act.~~

There shall be a published agenda for all meetings set by committee chair or co-chairs, with the assistance of Department of Education staff and with the Board liaison to the committee, if applicable.

A majority of the members of the advisory committee shall constitute a quorum for the transaction of business. The vote of a majority of the advisory committee members present at any meeting at which a quorum is present shall be the act of the advisory committee. Each member of an advisory committee shall be entitled to one vote with respect to any matter voted on by the advisory committee. Members not present at a

meeting shall not be entitled to vote ~~by proxy~~.

Advisory committee members shall read and familiarize themselves with the provisions of the State and Local Government Conflict of Interests Act, and in any case where a member has a personal interest in a particular vote of the advisory committee, such member(s) shall excuse themselves himself or herself and shall not vote on that matter.

Issues for Consideration:

Should the Board's advisory committee members be allowed to participate electronically?

**Section 7. Official Papers.** All official records of advisory committees shall be kept on file in the Department of Education and shall be open to inspection as provided by the Freedom of Information Act, § 2.2-3704 of the *Code of Virginia*. All records shall be maintained in accordance with the Records Retention and Disposal Schedule prescribed by the Library of Virginia.

Minutes of all meetings shall be filed electronically, as required by § 2.2-3707.1 of the *Code of Virginia* ~~within 10 business days of any meeting the executive assistant to the Board of Education at the Department of Education.~~ Draft minutes of meetings shall be posted as soon as possible but no later than ten working days after the conclusion of the meeting. Final approved meeting minutes shall be posted within three working days of final approval of the minutes.

~~**Section 8. Effective Date.** Article Sixteen of the bylaws of the Board of Education shall become effective beginning on October 1, 2004. Section 4 of Article Sixteen shall become effective with all appointments made by the Board of Education under this Article on or after October 1, 2004.~~

The undersigned, being the duly elected President of the Virginia Board of Education, hereby certifies that the foregoing bylaws were duly adopted by its members as of the date and signature below.

Adopted in the Minutes of the Virginia Board of Education:

June 22, 2000

Amended October 19, 2000

Amended October 22, 2001

Amended September 22, 2004

Amended Date, 2016