

LOCAL SCHOOL BOARD LEGAL STATUS

As a body created under the laws of Wyoming, the district school board ultimately derives its authority from the people of the state. The school board is responsible to the voters of the district and exercises its authority subject to the provisions of the Constitution of the United States, the Constitution of the State of Wyoming, state law, and rules and regulations of the Wyoming State Department of Education and within budgets for expenditures as prescribed by the Municipal Fiscal Procedures Act.

The law states that:

The board of trustees of a school district shall be the governing body of the school district. A majority of the number of members of the board of trustees shall constitute a quorum for the transaction of business at any meeting of the board of trustees. No action of the board of trustees shall be valid unless such action shall receive the approval of a majority of the members elected to the board of trustees. (W.S. 21-3-105).

Number of Board Members

The Board of Trustees of Platte County School District No. 2 consists of five (5) members elected by the qualified electors of the School District.

Adopted: 02/08/10

BOARD POWERS AND RESPONSIBILITIES

The Board of Trustees, whose members are selected as representatives of the people in the school district, shall act as the general agent of the state in carrying out the will of the people of the district in matters of public education.

The Board has those powers which are expressly granted to it by the legislature and also those powers which may be reasonably implied. Within these constraints, the Board of Trustees views its required function in these broad areas.

1. LEGISLATIVE & POLICYMAKING: The Board is responsible for the development of policy as guides for administrative action and for employing a superintendent to implement its policies.
2. APPRAISAL: The Board is responsible for evaluating the effectiveness of its policies and their implementation. The Board is responsible for evaluating the job performance and overall effectiveness of the Superintendent of Schools.
3. PROVISION OF FINANCIAL RESOURCES: The Board is responsible for the adoption of a budget which will provide the wherewithal—in terms of buildings, staff, materials, and equipment—which will enable the school system to carry out the Board's policies.
4. PUBLIC RELATIONS: The Board is responsible for providing adequate and direct means of keeping the local community informed about the schools and for keeping itself and the school staff informed about the needs and wishes of the public.
5. EDUCATIONAL PLANNING & EVALUATION: The Board is responsible for establishing educational goals which will guide both the Board and the staff in working together toward the continuing improvement of the educational system. It is responsible for providing for the ongoing evaluation of the educational program comparing it to the goals and objectives set forth by the Board of Trustees.
6. JUDICIAL: The Board is responsible for acting as a court of appeals for staff members, students, and the public when issues involve Board policy and its fair implementation.

Adopted: 09/10/84

Revised: 11/10/97

Revised: 02/08/10

BOARD MEMBER AUTHORITY AND RESPONSIBILITIES

Because all powers of the Board of Trustees lie in its action as a group, individual board members exercise their authority over district affairs only as they vote to take action at a legal meeting of the Board.

In other instances, an individual board member, including the chairman, shall have power only when the Board, by vote, has delegated authority to him or her.

Although a board member as an individual may listen to problems of residents concerning school matters, the member shall not offer counsel in the name of the board or make commitments involving the board. No individual member of the board is at liberty to direct the actions of any staff member.

Each individual board member has the responsibility to represent, open-mindedly, the entire school district. The board member's consideration for the entire school district should take precedence over every form of school area partisanship and special interest.

Adopted: 09/10/84

Revised: 11/10/97

Revised: 02/08/10

SCHOOL BOARD ELECTIONS AND MEMBERSHIP

Election of members of the board of trustees shall be held in the manner provided by state statutes as they are detailed and prescribed by the Wyoming Election Code and the Constitution of the State of Wyoming.

The board shall consist of five (5) members elected by the qualified voters of the school district. All board members are elected at-large.

A regular term is four years. The terms will be staggered. New board members shall take office at 12:00 noon on the 1st day of December following their election.

The annual election of board members is held at the general election on the first Tuesday after the first Monday in November in even numbered years. Board members are elected on a non-partisan ballot in accordance with provisions of the Wyoming Election Code.

A qualified person may be nominated for office by filing an application for election with the county clerk in the manner provided by law.

Adopted: 09/10/84

Revised: 10/14/85

Revised: 09/12/88

Revised: 12/08/97

Revised: 02/08/10

BOARD MEMBER QUALIFICATIONS

Members of the Board of Trustees should have a genuine interest in and devotion to public education, a willingness to give time and effort to the work, a capacity for understanding people, and the ability to work cooperatively with others.

Any qualified elector of the school district is eligible to serve as a school board member. A "qualified elector" is a person who is:

- * a citizen of the United States;
- * eighteen years old or older on election day;
- * a resident of the State of Wyoming and the trustee area he or she wishes to represent;
- * a registered voter.

A person may not serve on a school board who is:

- * a mentally incompetent person;
- * has been convicted of a felony and whose civil rights have not been restored.

A qualified person may be nominated for the office of school district trustee by filing an application for election with the county clerk not more than ninety nor less than seventy days prior to the election.

BOARD MEMBER OATH OF OFFICE

Every person elected or selected to be a member of the Board of Trustees shall appear before a person qualified to administer oaths and solemnly pledge to faithfully perform their duties as required by law.

The oath must be administered within ten (10) days after receiving notice of election or appointment and prior to assuming the duties of school board member.

The oath may be administered by any officially elected board member.

Example:

I solemnly swear that I will support the Constitution of the United States of America, the Constitution of the State of Wyoming, and the laws of the United States and the State of Wyoming. I will faithfully execute the duties of my office as a member of the governing body to the best of my ability.

BOARD MEMBER RESIGNATION

If a board member's permanent residence ceases to be in the school district or in the member's trustee resident area, if a trustee resident area is designated, the board member will resign immediately. The board member shall include within his/her resignation an effective date of the resignation and the board shall within thirty (30) days thereafter appoint a successor trustee to fill the vacancy in the manner provided by law.

Adoption Date: 02/08/10

Revised: 3/13/17

BOARD VACANCY

The Board of Trustees shall fill a vacancy in office by temporary appointment in the manner provided by law. If the trustees fail to appoint a qualified person to fill a vacancy within thirty (30) days from the date the vacancy occurs, or if, for any reason, the entire membership of the Board of Trustees is depleted, the board of county commissioners of the county or counties involved, within ten (10) days of either occurrence, shall appoint a qualified person to fill each vacancy until the next election, at which time an election shall be held to fill the unexpired term, and each appointee shall serve until his/her successor is elected and qualified. Each appointee shall be a resident of the trustee residence area previously represented.

Adopted: 09/10/84

Revised: 02/08/10

SCHOOL BOARD MEMBER CODE OF ETHICS

As a member of my local Board of Trustees I will strive to improve public education, and to that end I will:

- * Attend all regularly scheduled board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;
- * Recognize that I should endeavor to make policy decisions only after full discussion at publicly held board meetings;
- * Render all decisions based on the available facts and my own independent judgment, and refuse to surrender that judgment to individuals of special interest groups;
- * Encourage the free expression of opinion by all board members, and seek systematic communications between the Board and students, staff and all elements of the community;
- * Work with other board members to establish effective Board policies and to delegate authority for the administration of the schools to the superintendent;
- * Communicate to other board members and the superintendent expressions of public reaction to Board policies and school programs;
- * Inform myself about current education issues by individual study and through participation in programs providing needed information, such as those sponsored by the state and National School Boards Association;
- * Support the employment of those persons best qualified to serve as school staff, and insist on a regular impartial evaluation of all staff;
- * Avoid being placed in a position of conflict of interest, and refrain from using Board position for personal or partisan gain;
- * Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged;
- * Remember, always, that the first and greatest concern must be the educational welfare of the students attending the public schools.

Adopted: 10/08/84

Revised: 03/14/94

Revised: 11/10/97

Revised: 02/08/10

BOARD MEMBER CONFLICT OF INTEREST

Public office is a trust created by the confidence which the public places in the integrity of its public officers. To preserve this confidence, the Board and its individual members will operate in a manner which will avoid situations that have the appearance of a conflict of interest.

A board member shall not have any direct financial interest in a contract with the school district, nor shall he or she furnish directly any labor or equipment to the district without disclosing his interest, removing himself from the room when the remainder of the Board considers the contract or purchase of materials, refrains from attempting to influence the Board in making its decision, and does not vote on the issue before the Board.

No Board member shall participate in a vote that has the effect of giving money or any other direct financial benefit to the Board member.

It is not the intent of this policy to prevent the district from contracting with corporations or businesses because a board member is an employee of the firm. The policy is designed to prevent placing a board member in a position where his interest in the public schools and his interest in his place of employment (or other indirect interest) might conflict and to avoid the appearance of conflict of interest even though the conflict might not exist.

Board members shall not apply for any position within the District. They may resign from the Board and then apply for a position.

No employee will be placed in any position where direct supervisory authority is exercised over a family member.

No relative of an employee will be shown preference for employment in any position.

No Board member shall advocate or cause the employment, appointment promotion, transfer, or advancement of a family member to an office or position within the School District, nor shall any Board member participate in his official capacity as a Board member regarding a matter relating to the employment or discipline of a family member.

A family member is defined as a spouse, parent, sibling, child, grandparent or grandchild; or an individual living in the employee/board member=s home.

Adopted: 10/08/84 (as BBFA)

Revised: 03/14/94

Revised: 11/10/97

Revised: 02/08/10

BOARD ORGANIZATIONAL MEETING

The Board shall organize annually by the election of officers from its membership at the first regular meeting in December. The meeting shall be chaired by the superintendent until a chairman is elected.

The officers of the Board shall be chairman, vice-chairman, clerk, and treasurer.

Election shall be by a voice vote or, if the board chooses to do it by written note, the written votes shall be retained and included with the minutes. Nominations shall be made from the floor. A nominee must receive a majority vote of board members for election to office. Should no nominee receive a majority vote, the election shall proceed until a member is elected.

Adoption Date: 09/10/84

Revised: 09/12/84

Revised: 11/10/97

Revised: 02/08/10

Revised: 03/13/17

BOARD OFFICERS

The officers of the Board shall be chairman, vice-chairman, clerk and treasurer.

DUTIES OF THE CHAIRMAN

The chairman of the board shall preside at all Board meetings at which he or she is present and shall co-sign with either the clerk or treasurer all warrants and checks drawn on the school district treasury. The chairman shall have full voice and vote on all motions put before the Board.

DUTIES OF THE VICE-CHAIRMAN

In the absence of the chairman, the vice-chairman shall preside at the meeting. If neither chairman or vice-chairman is present, the board members who are present shall elect a temporary chairman for the purposes of the meeting.

DUTIES OF THE CLERK

1. Co-sign, with the chairman, all warrants and checks unless the treasurer's signature is affixed;
2. Keep the minutes of the meetings of the Board and a calendar of all matters referred to committees and others, and report action or non-action on the same at each regular meeting;
3. Have care and custody of the record books and documents of the Board;
4. Cause the annual report to be made and forwarded to the proper local, county, and state officials;
5. Receive and reply to all communications as directed by the Board;
6. File all papers pertaining to district business;
7. Call special meetings of the Board when requested by the chairman of the board of trustees or any two (2) members of the board of trustees;

DUTIES OF THE TREASURER

The treasurer is the custodian of the school district funds. He shall:

1. Cause an account to be kept of the receipts and expenditures of the district;
2. Co-sign, with the chairman, all warrants unless the clerk's signature is affixed;
3. Have custody of all district money and pay it out on order of the clerk, countersigned by the chairman;
4. Render a financial statement at any time required by the Board and, at the close of each fiscal year, cause to be published in some newspaper of general circulation within the

school district, a detailed report showing the sources of revenue and the purposes for which monies were expended.

In the event a vacancy should occur in any office of the Board of Trustees, the vacancy shall be filled by the remaining members of the Board of Trustees.

Adopted: 09/10/84

Revised: 12/13/93

Revised: 02/08/10

BOARD/SUPERINTENDENT RELATIONSHIP

The Board believes that the legislation of policies is the most important function of the school board and that the execution of the policies should be the function of the superintendent.

Delegation by the Board of its executive powers to the superintendent provides freedom for the superintendent to manage the schools within the Board's policies and frees the Board to devote its time to policymaking and evaluation functions.

The Board holds the superintendent responsible for the administration of its policies, the execution of Board decisions, the operation of the internal machinery designed to serve the school program, and for keeping the Board informed about school operations and problems.

The Board shall strive to procure, when a vacancy exists, the best professional leader available for the chief administrative post. Then, the Board as a Board and individual members shall:

1. Give the superintendent full administrative authority for properly discharging his professional duties, holding him responsible for acceptable results;
2. Consider the recommendation of the superintendent in matters of employment or dismissal of school personnel;
3. Hold all meetings of the Board, including executive sessions, in the presence of the superintendent except when his contract and salary are under consideration;
4. Refer all complaints to the superintendent or appropriate administrator for administrative solution or recommendation prior to Board discussion and action;
5. Strive to provide adequate safeguards around the superintendent and other staff members to the end that they can live happily and comfortably in the community and discharge their educational functions on a thoroughly professional basis;
6. Present personal criticism of any employee directly to the superintendent.

Adopted: 9/10/84
Revised: 11/08/93
Revised: 11/10/97
Revised: 02/08/10

BOARD COMMITTEES

The principles of good Board procedures indicate that the use of standing committees is not desirable inasmuch as standing committees set up by any Board tend to make decisions that are properly made by the entire Board, and to assume administrative responsibilities that should properly be delegated to the professional administrator.

Therefore, the Board shall have no standing committees.

Special committees, however, may be created for special assignments. The chairman of the Board may appoint committees to assist the Board and administrative officers of the school. The function of these committees shall be advisory. Committees shall not have the authority to obligate the district financially nor shall they exercise executive authority without consent of the Board. The committee shall be dissolved upon completion of its assignment, or it may be dissolved by a vote of the Board at any time.

The Board may also appoint individual members to serve as liaison with various organizations or as representatives on district or inter-district committees.

Adopted: 09/10/84
Revised: 09/14/92
Revised: 11/08/93
Revised: 11/10/97
Revised: 02/08/10

SCHOOL BOARD MEETINGS

The regular meeting of the Board of Trustees of Platte County School District No. 2 shall be held in the Board Room in the School Administration Building located at 555 S. Wyoming Ave., Guernsey, WY on the 2nd Monday of each month. All regular meetings will convene at seven o'clock p.m.

The Board shall give notice of the regular meetings of the Board in a newspaper designated as the official newspaper of the school. The notice will be published in the newspaper after the organizational meeting of the Board and before the next regular meeting. A second notice will be published in July as part of the District's annual report.

Special meetings with not less than eight (8) hours notice may be called at any time by the clerk upon the request of the board chairman or any two members of the Board. Action at special meetings shall be limited to items related to the purpose or purposes for which the meeting was called and announced in the notice of the special meeting.

The chairman may call an emergency meeting to take temporary action on a matter of serious, immediate concern without notice. However, a reasonable effort will be made to notify the public of the meeting.

All action taken at an emergency session is temporary. In order for it to become permanent, it must be reconsidered and acted on at an open public meeting within 48 hours, excluding weekends and holidays, unless the event constituting the emergency continues to exist after forty-eight (48) hours. In such case the governing body may reconsider and act upon the temporary action at the next regularly scheduled meeting of the agency, but in no event later than thirty (30) days from the date of the emergency action.

All meetings of the Board are open to the public and press except for executive sessions.

Because all powers of the Board of Trustees lie in its collective action as a group, individual board members exercise their authority over district affairs only as they take action at a legal meeting of the Board.

In other situations, an individual board member, including the chairman, shall have the authority to act only when the Board has delegated that authority to him or her.

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Revised: 10/12/87
Revised: 09/22/88
Revised: 08/12/91
Revised: 10/12/92
Revised: 12/12/94
Revised: 01/09/95
Revised: 3/10/08
Revised: 02/08/10
Revised: 6/18/12

OPEN MEETINGS

All meetings of the Board of Trustees are open public meetings. That means they are meetings held in public so that the public may observe the Board as it conducts the district's business. They are not a meeting designed for public participation on every issue before the Board. The Board may provide for public input during the meeting on specific issues.

The Board may meet in executive session for those purposes provided by law. The public may be excluded from an executive session.

Official action will be taken by the Board only in an open public meeting.

A member of the public will not be required to provide any information, register or complete a questionnaire as a condition of attendance at any Board meeting. They may be required to identify themselves and indicate any affiliation they may have if they seek recognition prior to speaking to the Board.

EXECUTIVE SESSIONS

Executive sessions may be convened by the Board, at the call of the chairman, and with the approval of the Board for discussion relating to the following:

1. Matters relating to the employment or dismissal or other charges against district personnel;
2. Matters relating to litigation or proposed litigation in which the Board or School District is a party;
3. Consideration of the selection of a site or purchase of real estate, when publicity would cause a likelihood of an increase in price;
4. Consideration of the acceptance of gifts, bequests, or donations where confidentiality has been requested by the donor;
5. To consider or receive any information classified as confidential by law (i.e., legal advice);
6. Consideration of accepting or tendering wage and benefit offers and to discuss terms of employment during all negotiations; and
7. Consideration of suspension, expulsion, or disciplinary action in connection with a student.

The motion to go into executive session shall state the purpose of the executive session, which shall be one of the areas listed above. The only persons who may attend executive sessions are Board members, the superintendent (except when his appointment or salary are under consideration), and other individuals the Board may invite to be present.

Any decision discussed and deliberated upon during an executive session shall be formally acted upon at an open meeting following the executive session.

No action shall be taken at executive sessions. Minutes of executive sessions shall be recorded but not published. Minutes of executive session shall be maintained in confidential files of the District not open to the public. That such a session will be, or was held, shall be recorded in the minutes of the preceding or subsequent open meeting.

Board members and other persons attending an executive session are duty-bound not to disclose matters discussed at the executive session.

Adopted: 09/10/84
Revised: 02/08/10
Revised: 06/18/12

VOTING METHOD

All action taken, or motions passed or denied, shall be recorded and passed (motion carried) or denied (motion failed) unless a roll call vote is requested by any member, in which event the chairman shall call the roll and the ayes and nays shall be recorded.

The chairman of the board shall vote on all issues before the Board.

To pass, any motion must receive an affirmative vote from a majority of the total elected number of school trustees.

Members must be physically present at board meetings to vote on agenda items or must be available via telephone conference system which enables the Board member to take part in all discussions concerning an agenda item and hear all comments by all Board members and/or other persons permitted to speak on an item and all other Board members must be permitted to hear any comments or discussion of the Board member not present. Participation in this manner is discouraged and should be done only in exceptional cases.

It is the right and duty of every member of the board who has an opinion on an issue to express it by his or her vote.

If a member announces a conflict of interest with regard to the issue before the Board, the member may leave the meeting until voting on the issue is concluded. The conflict will be noted in the official minutes of the meeting and the member will be recorded as having abstained on the issue.

When a tie vote exists on a motion, the motion will be declared to have failed.

Votes will be recorded in the minutes of the meeting by indicating the name of the Board members voting "aye" and the name of the Board members voting "nay."

Votes will be recorded in the minutes of the meeting by indicating whether the motion passed or motion failed unless a roll call vote is requested, in which event the name of the members voting aye and the name of the members voting nay will be recorded.

Adopted: 09/10/84

Revised: 11/10/97

Revised: 02/08/10

MINUTES

The minutes of the meetings of the Board of Trustees constitute the written record of all proceedings of the Board. Therefore, the minutes shall include:

1. The nature of the meeting, whether regular or special; time and place; members present; approval of the minutes of the preceding meeting or meetings;
2. A record of all actions taken by the Board; the motion, the name of the member making the motion and seconding it and the record of the vote;
3. Lengthy discussion may be summarized and long documents will be attached by reference when necessary;
4. A record of all business that comes before the Board through reports of the superintendent and others, and through communications from staff and the public;
5. The names of all persons who speak before the Board and the topic of their remarks;
6. A record that an executive session was held and why it was held;
7. A record of adjournment.

The minutes shall be signed by the clerk, and following their approval, the official copy shall also be signed by the chairman of the Board of Trustees.

The minutes shall be in the custody of the board secretary who shall make them available to the public upon request during normal office hours.

Copies of the unapproved minutes will be mailed to board members with their agenda for the next regularly scheduled board meeting.

Adopted: 09/10/84
Revised: 11/10/97
Revised: 02/08/10

PARTICIPATION AT BOARD MEETINGS

All regular, special, and emergency meetings of the Board of Trustees are open to the public.

Because the Board desires to hear the viewpoints of citizens throughout the district, it shall provide time at all meetings for citizens to be heard.

Board meetings are conducted for the purpose of carrying out the official business of the school district. The meetings are not public forum meetings, but are meetings held in public. All meetings, except executive sessions, will be open public meetings. Orderly conduct of meetings does not permit spontaneous discussion from the audience. Individuals or organizations desiring to make requests, presentations or proposals to the Board will be provided that opportunity.

Citizens wishing to have an item placed on the agenda for a specific board meeting, should direct their request to the superintendent or board chairman. A request to have an item placed on the agenda should be made seven days prior to the scheduled meeting of the Board. The superintendent and the board chairman will confer and determine the appropriate placement of the item on the agenda.

Speakers may be scheduled to address subjects which are included on the agenda.

Recognizing its responsibility for proper governance of the schools, and, therefore, the need to conduct its business in an orderly and efficient manner, the Board shall schedule a period during each meeting for public participation. At times, it shall set a time limit on the length of this period or a time limit for individual speakers.

Speakers will be recognized by the chairman of the board and may make objective comments on school operations and programs. The Board will not permit, in public session, any expression of personal complaint about school personnel nor against any person connected with the school system. Personnel matters are not appropriate topics to be discussed at regular board meetings. Decorum requires that such matters be entertained in executive session as arranged by the Board. Speakers will not be permitted to participate in gossip, make defamatory remarks, use abusive or vulgar language. Speakers will be advised that their comments must be limited to items which relate directly to the school district. The board chairman will maintain the prerogative to discontinue any presentation which violates any of the public participation guidelines.

A single spokesperson should be selected by groups or organizations desiring to address the Board on an agenda topic in order to avoid presenting repetitious information.

The board chairman shall be responsible for recognizing all speakers, who shall properly identify themselves; for maintaining proper order; and for adherence to any time limit set. Questions asked by the public shall, when possible, be answered immediately by the chairman or referred

to staff members present for reply; questions requiring investigation shall be referred to the Board or administrative staff for consideration and later response.

Members of the public will not be recognized by the chairman as the Board conducts its official business except when the Board schedules, in advance, an interim public discussion period on a particular agenda item.

The intent of this policy is to allow a fair and adequate opportunity to be heard, to allow the superintendent to take action when policies have been established by the Board on the subject of the request, to provide adequate time for the Board to obtain necessary information concerning the subject, and to see that time devoted to the discussion does not interfere with the fulfillment of the Board's scheduled agenda.

Adopted: 09/10/84

Revised: 02/08/10

PUBLIC PARTICIPATION AT BOARD MEETINGS

“HOT TOPIC” ACTION PLAN

Board Policy BEDH provides for public participation at meetings of the Board of Trustees. General guidelines for conduct at such meetings are outlined.

If a heated discussion is anticipated, review this policy and determine the specifics of how to handle the meeting. The following items are suggested:

1. At such meetings it is best to indicate at the start that there will be an interim public discussion period on the particular agenda item of concern.
2. Start the public discussion period by having the Board Chairperson outline the guidelines that will be followed, the purpose of the discussion period, and what we are going to do.
3. Ask for an indication of who will speak. Consider having cards so that people can write down comments.
4. Ask for a spokesman to represent the views of any group(s) present. Ask for a list of persons represented by the spokesman.
5. General Rules for the Board to follow:
 - a. The Board Chairperson is the spokesman. Others should seek permission from him to make comments. It may be best to hear all public comments before making any response.
 - b. Don't debate with the public. Seldom will the Board win the debate.
 - c. Don't allow shouting. Explain the purpose is to present views for Board reaction in a controlled atmosphere.
 - d. No one can be allowed to slander another person. Stop them if they do. Refer complaints about employees to the Superintendent. Indicate that the Board Chairperson will be present if they wish.
 - e. All comments should be made to the Board. Don't let groups debate among themselves.
 - f. Schedule a short meeting ahead of anticipated heated topics to review plans for the meeting and to brainstorm possible problems which might arise.
 - g. Answer fact questions only. Opinion questions are best left unanswered. The session is to solicit the public's opinion, not the Board's.
6. Call recess in public discussion if it stays heated for fifteen minutes. During the recess Board members should mingle with the crowd. Talk and listen. It should help cool things down.
7. Wrap up the meeting by:

- a. Explaining what the next step will be:
 - 1) Further consideration at another meeting
 - 2) Development of a committee
 - 3) Refer to Superintendent or staff for recommendation
 - 4) Schedule a public hearing on the topic
- 8. Consider taping hot topic meetings.
- 9. Consider a media release. Visit with the press to clear up any misconceptions.
- 10. It is generally best to go directly home from a heated meeting. Don't go where people from the meeting might gather to hash things over.
- 11. Finally, remember that decisions made during heated meetings often prove to be unwise decisions. Come back sometime later and discuss alternatives in a quieter environment. Make the decision then.

Approved: 10/14/85

Reviewed: 02/08/10

BOARD HEARING/APPEAL PROCEDURES

All formal due process hearings to be held before the board of trustees shall be conducted in the manner provided by the Rules of Practice Governing Hearings and Contested Cases Before the Board of Trustees and in accordance with the Wyoming Administrative Procedures Act.

Findings of fact and recommendations that are required to be made by an independent hearing officer and then are submitted to the Board for consideration shall be considered in accordance with these rules.

Decisions regarding determination of eligibility for free and reduced-price school lunches shall also be held in accordance with the district rules governing determination of eligibility for free and reduced-price school lunches.

Disputes regarding services and programs provided to children with disabilities shall be resolved in the manner provided by the Wyoming State Board of Education Rules and Regulations for serving children with disabilities, specifically including the due process procedures set forth therein.

Less formal hearings may be conducted before the board of trustees at any time with the consent of all parties or as provided for resolving grievances and/or other discrimination claims which are appealed to the board of trustees, in which event the appeal process shall be as set forth in the specific policy relating to the grievance or claim.

Adopted: 09/10/84
Revised: 11/10/97
Revised: 02/08/10
Revised: 05/14/12
Revised: 12/10/12

**RULES OF PRACTICE GOVERNING HEARINGS AND CONTESTED
CASES BEFORE THE BOARD OF TRUSTEES OF
PLATTE COUNTY SCHOOL DISTRICT NUMBER 2
AND PROCEDURES TO CONSIDER RECOMMENDED FINDINGS FROM AN
INDEPENDENT HEARING OFFICER**

**ARTICLE I
GENERAL PROVISIONS**

Section 1. Authority. These rules are adopted as authorized by the Wyoming Administrative Procedures Act, W.S. 16-3-101 through 16-3-115, and under the provisions of W.S. 21-3-110 as amended.

Section 2. Effective Upon Compliance. These rules shall be effective upon compliance with all pre-requisites set forth in the Wyoming Administrative Procedures Act, '16-3-102 to 16-3-106 or any statute amending, recodifying or superseding the same.

Section 3. Previous Rules Superseded. From and after the effective date of these rules, any previously filed rules of practice of Platte County School District No. 2 relating to Contested Hearings, shall be superseded and shall be of no further force or effect.

Section 4. Promulgation, Amendment or Repeal of Rules. Any amendments to these rules shall become effective as provided by W.S. 16-3-101 through 16-3-115.

**ARTICLE II
DEFINITIONS AND APPLICABILITY
HEARINGS AND CONTESTED CASES**

Section 1. Definitions. As used in these rules:

- a. "Board" means the Board of Trustees of Platte County School District No. 2.
- b. "Chairman" means the chairman of the Board.
- c. "Day" means calendar day.
- d. "Hearing" includes all contested cases.
- e. "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

- f. "Person" means any individual, partnership, corporation, association, municipality, governmental subdivision or public or private organization of any character other than an agency.
- g. "Superintendent" means the chief administrative officer of the school district.
- h. "Clerk" means the Clerk of the Board.
- i. "Teacher" means any person employed under contract by the board as a certified professional employee.
- j. "Pupil" or "student" means any person duly enrolled for instruction in the public elementary or secondary schools of this district.
- k. "Independent hearing officer" means that person selected or appointed as provided for in W.S. '21-7-110(c).

Section 2. Applicability of Rules.

- a. These rules shall apply to all hearings required by law to be held with respect to termination, dismissal and suspension of teachers under the Wyoming Teacher's Employment Law as amended, and, any applicable federal and state court decisions, and to all formal hearings required by law to be held with respect to the suspension or expulsion of any student from the public schools and to any other matters wherein a contested case, as defined by law, is presented or any other matter wherein a hearing is required by law.
- b. Informal or investigative hearings may be held by the Board without compliance with these rules.
- c. Hearings not in compliance with these rules may be held by the Board upon express written agreement by all parties.
- d. All hearings required to be held before an independent hearing officer as provided by W.S. 21-7-110(c) shall be governed by the procedures specified under W.S. 9-2-2202(b), including the Rules for Contested Case Practice and Procedure Before the Office of Administrative Hearings ["OAH Rules"]

ARTICLE III
HEARINGS BEFORE THE BOARD

Section 1. Generally. Any person whose legally-recognized rights have been or will be affected by any decision, order, ruling, or other action taken by the Board or to be taken by the Board has a right to a hearing before the board unless such hearing is required by law to be before an independent hearing officer.

Section 2. Petition. Any person desiring to come before the Board for a hearing must file with the Board, in its office at Platte County School District No. 2, Guernsey, Wyoming, a petition setting forth:

- a. A concise statement of the facts on which the petitioner relies.
- b. A statement in ordinary language, setting forth the action or decision desired by the petitioner.
- c. The name, address and telephone number of the petitioner and of the attorney for the petitioner, if any.
- d. The signature of the petitioner and attorney for the petitioner, if any.
- e. The legal authority, if any, or known at the time of the filing of the petition, upon which the petitioner relies.

Section 3. Board As Petitioner. In any matter in which the School District is required to hold a hearing either before the Board in which it has the burden of proof, the School District shall be deemed the petitioner for purposes of these rules. Any notices or writings required by law for said hearing shall be deemed to be the petition for the School District. Any objection by the other party to the petition of the School District shall be served in writing at least ten (10) working days before any scheduled hearing.

Section 4. Notice of Hearing. For any hearing which is to be held before the Board, the Clerk shall cause written notice of any hearing held under these rules to be served upon each party as much time in advance of the date set for hearing as is reasonably practicable. Such notice shall include a statement of:

- a. The time, place and nature of the hearing.
- b. The legal authority and jurisdiction under which the hearing is to be held.
- c. The particular sections of the statutes, rules, or court decisions involved.
- d. A short and plain statement of the matters asserted. If the Clerk is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a more definite and detailed statement shall be furnished.

Section 5. Hearing Examiner.

- a. Whenever it shall appear, from statements of any party or other sources, including applicable Federal or State case law, that a dispute exists wherein a hearing is authorized or required to be held before the Board, the Board, at its option, may

delay further proceedings until all factual disputes are heard and recommendations made by a hearing examiner as provided in this section.

- b. The hearing examiner shall be the presiding officer at the hearing and shall conduct all proceedings in an impartial manner.
- c. The hearing examiner shall be a qualified member of the bar of Wyoming.
- d. The hearing examiner shall make recommended findings of fact and conclusions of law to the Board in writing.
- e. The hearing examiner shall be hired by the Board and shall be entitled to a reasonable fee for his services and reimbursement for reasonable expenses incurred in connection therewith, but shall not be considered an employee of the District, but rather, an independent contractor.
- f. The hearing examiner shall accord the parties the same hearing procedural rights as are available to them in a hearing before the Board as herein set forth.
- g. The impartial hearing examiner shall not be an employee of the Board of a person with a personal or professional interest in the case at hearing, nor be biased or prejudiced against any party to the hearing.

Section 6. Adoption of Findings of Fact and Conclusions.

- a. The recommended Findings of Fact and Conclusions of Law certified by the hearing examiner under Section 5.d of this Article III or rendered by the independent hearing officer pursuant to W.S. '21-7-110 shall be mailed to all parties and members of the Board.
- b. Any party objecting to the recommended Findings of Fact and Conclusions of Law shall present any objections at the next meeting of the Board occurring at least five (5) days after mailing of the recommended Findings of Fact and Conclusions of Law to all parties or within fourteen (14) days after mailing, whichever occurs first.
- c. The recommended Findings of Fact and Conclusions of Law shall be adopted by the Board unless a majority of the members of the Board object to the recommended Findings of Fact and Conclusions of Law. No member of the Board may object to the recommendations unless he shall have been present at the hearing or has read the transcript of the proceedings or heard or examined the official record of the hearing. If the Board terminates, suspends or dismisses a teacher's employment over a recommendation by the independent hearing officer of retention, the written order of the Board shall include a conclusion together with reasons supported by the record. The decision of the Board to either adopt or reject the recommended Findings of Fact and Recommendations from an independent hearing officer assigned by the Office of Administrative Hearings shall be issued in writing within

twenty (20) days of receipt of the recommended Findings of Fact and Recommendation.

Section 7. Duties of Presiding Officer. The presiding officer at any hearing before the Board shall be the Chairman of the Board, or any member of the Board authorized to act in the absence of the Chairman, or the hearing examiner as provided in Section 5.b of this Article III of these rules. The presiding officer shall have authority and power to:

- a. Administer oaths and affirmations;
- b. Issue subpoenas;
- c. Rule upon offers of proof and receive relevant evidence;
- d. Take or cause depositions to be taken in accordance with the provisions of the Wyoming Administrative Procedures Act and rules of the Board;
- e. Regulate the course of the hearing;
- f. Hold conferences for the settlement or simplification of the issues;
- g. Dispose of procedural requests or similar matters;
- h. Cause Find of Fact and Conclusions of Law to be finalized and filed with the Clerk and delivered to all parties;
- i. May recess the hearing or grant continuances for good cause;
- j. May require written briefs from any party clarifying its legal or factual position;
- k. May declare that any matter is being taken under advisement and that a decision will be announced at a later time, not to exceed twenty (20) days after receipt of findings and a recommendation from the independent hearing officer or sixty (60) days for all other hearings;
- l. Punish contempt by permanent removal from the hearing location by any person so offending;
- m. See that a recording of the hearing is made by either an electronic recording device or certified shorthand or machine reporter or other person authorized to administer oaths;
- n. Take any other action authorized by law, consistent with these rules, or required to fulfill any of his duties.

Section 8. Order of Procedure at Hearing. As nearly as may be, hearing shall be conducted in accordance with the following order of procedure:

- a. The petitioner may briefly state his case and the evidence by which he expects to sustain it.
- b. The adverse party may then briefly state his defense and the evidence he expects to offer in support of it.
- c. The petitioner shall first produce his evidence, the adverse party will then produce his evidence.
- d. The parties will then be confined to rebutting evidence unless the presiding officer permits them to offer evidence in their original case.
- e. The presiding officer may, in his discretion, allow evidence to be offered out of the order as herein prescribed.
- f. Closing statements will be made in the following sequence:
 - (1) Petitioner
 - (2) Adverse Party
 - (3) Petitioner in Rebuttal

Section 9. Witnesses at Hearings to be Sworn. All persons testifying at any hearing shall stand and be administered the following oath by the presiding officer: "Do you swear (or affirm) to tell the truth, the whole truth and nothing but the truth in the matter now before the Board, so help you God?", unless the hearing officer waives said oath on a showing that the person understands the meaning of telling the truth and that he/she may be charged and convicted of the crime of falsifying his/her testimony.

Section 10. Disposition of Case by Stipulation. Any case may be finally disposed of by stipulation, agreed settlement, consent order or default of the parties, approved by the Board. An appropriate order accordingly shall be entered in the case record.

Section 11. Applicable Rules of Civil Procedure to Apply. The rules of practice and procedure contained in the Rules of Civil Procedure of the State of Wyoming, insofar as the same may be applicable, and not inconsistent with the laws of the State of Wyoming, or these rules shall apply at all hearings under these rules. Service of the petition and notice of hearing may be by certified or registered mail to the last known address of the teacher or student involved or by personal service by any adult, provided that service upon a teacher or student by an employee of the school district shall be witnessed unless an acknowledgment of service is signed by the teacher or student. All other notices and service of papers shall be made in accordance with Rule 5 WRCP.

Section 12. Attorneys. The filing of a petition or other similar representation by an attorney constitutes his appearance for the party for whom the representation is made. The Board, hearing examiner, or independent hearing officer, must be notified in writing of any withdrawal from the case. Any person appearing at a hearing in a representative capacity, shall be precluded from examining or cross-examining any witness, unless such person shall be an attorney licensed to practice in the State of Wyoming, or a non-resident attorney, associated with a Wyoming attorney. These rules shall not be construed to prohibit any person from representing himself in any hearing under these rules.

Section 13. School Attorney Present. In all matters before the Board, or under these rules, Chairman shall request the school attorney to be present, to assist and advise the Board and to represent the District. If there is a conflict in the Board attorney acting as advisor for the Board, the Board shall authorize the employment of Special Counsel to act either as attorney for the Board or attorney for the District.

Section 14. Taking of Testimony - Reporter. Where oral testimony of witnesses is taken in a hearing under these rules, the testimony shall be reported either by an electronic recording device or by a certified shorthand machine reporter or other person authorized to administer oaths whose compensation for taking such testimony shall be at the expense of the District. A transcription of the proceedings or any part thereof shall be at the cost and expense of any party requesting the same.

Section 15. Decision and Order. The Board shall make a written decision and order in all cases, which order and decision shall be filed by the Clerk in the file of the matter. The vote of the Board shall be shown in its decision. When the decision involves a teacher, a copy shall be provided to the teacher and a copy placed in the school records pertaining to the teacher.

Section 16. Appeals. Any decision of the Board is subject to appeal to the District Court and the Supreme Court of Wyoming as provided by law.

Section 17. Application of Wyoming Administrative Procedure Act. Whether or not herein set forth, the provisions of the Wyoming Administrative Procedure Act, '16-3-101 to 16-3-115, as amended and the Wyoming Education Code (21-3-101 et. seq.), shall govern all procedures before this Board except in all statutory proceedings before this Board should a conflict arise between the statutes and these rules, the statutes shall govern and control.

Section 18. Severability. If any provision of these rules of practice or the application thereof to any matter is held invalid, the invalidity shall not affect the other provisions or applications of these rules which can be given effect without the invalid provision or application, and for this purpose the provisions of these rules are severable.

ARTICLE IV
RULES GOVERNING DETERMINATION OF ELIGIBILITY
FOR FREE AND REDUCED PRICE SCHOOL LUNCH, **BREAKFAST AND MILK**
PROGRAMS ADOPTION OF FEDERAL RULES

Section 1. Adoption of Federal Rules. The School District does hereby adopt and incorporate the federal requirements regarding the determination and verification of eligibility for free and reduced-price meals in the National School Lunch Program, the School Breakfast Program, and the Special Milk Program that are approved and accepted by the Wyoming Department of Education. Such rules are generally set forth in the Eligibility Manual for School Meals applicable to Child Nutrition Programs and promulgated by the Food and Nutrition Service, United States Department of Agriculture.

Section 2. Hearing Procedure. The hearing procedure to contest or challenge eligibility decisions relating to free and reduced-price meals shall be the hearing procedures set forth in Article III of these Rules of Practice Governing Hearings and Contested Cases Before the Board of Trustees except as set forth below.

Section 3. Service of Notice. Service of any notice required to be made herein may be made upon any member of the family who is of legal age.

Section 4. Record of Hearing Procedure. The proceedings need not be reported verbatim stenographically or by any other means except upon the request of either party, in which event, the party making such request shall bear the expense of the verbatim reporting. In the event the proceedings are not reported verbatim, accurate minutes of the hearing shall be kept by a person appointed by the board and such minutes shall be placed, with all exhibits offered into evidence, in the docket file.

Section 5. Timeline for Requesting Hearing. The District shall notify applicants for free and reduced-price meals as to eligibility status or changes in eligibility status and provide an appropriate notice (notice of adverse action) as provided by the applicable federal rules and all persons adversely affected who desire to appeal the decision and request a hearing shall do so within the time set forth in the applicable rules.

Approved: 01/14/85

Reviewed: 02/08/10

Reviewed: 12/10/12

SCHOOL BOARD POLICY DEVELOPMENT

It is the intent of the Board to develop policies and put them in writing so that they may serve as guidelines for its own operation and the successful and efficient functioning of the schools.

The Board considers policy development one of its main responsibilities. Proposals regarding policies may originate with a member of the Board, the superintendent, a staff member, a parent, student, consultant, civic group, or any resident of the district. A careful and orderly process will be used in examining policy proposals prior to any action being taken by the Board. The Board will take action after hearing the recommendations of the superintendent and the viewpoints of persons and groups effected by the policy. Changes in needs, conditions, purposes, and objectives will require revisions, deletions, and additions to policies of the present and future Boards.

The formal adoption of policies will be recorded in the minutes of the Board of Trustees meetings. Only those written statements that have been adopted will be regarded as official policy of the Board.

Adopted: 02/08/10

POLICY ADOPTION

Adoption of new policies or the revision or repeal of existing policies is solely the responsibility of the Board of Trustees.

The Board shall adhere to the following procedure in considering and adopting policy proposals to ensure that they will be examined before the final action.

1. First Meeting - The proposal shall be presented as a discussion item.
2. Second Meeting - The proposal shall be presented for a second reading, discussion, and final adoption.

During the discussion of a policy proposal, the views of the public and staff will be considered. Amendments may be proposed by board members. An amendment, including a motion to repeal a policy, will not require that the policy go through additional reading except as the Board determines that the amendment needs further study and that an additional reading would be desirable.

Under unusual circumstances, the Board may temporarily approve and place into effect a policy to meet unusual conditions. However, the above procedure is required before the policy shall be considered final.

Adoption Date: 09/10/84

Revised: 11/10/97

Revised: 02/08/10

Revised: 03/13/17

POLICY REVISION/REVIEW

In an effort to keep its written policies up to date so that they may be used consistently as a basis for Board action and administrative decision, it shall be the policy of the Board to review its policies on a continuing basis.

The Board shall evaluate how the policies have been executed by the school staff and shall weigh the results. It shall rely on the school staff, students, and community for providing evidence of the effect of the policies which it has adopted.

The superintendent is given the continuing mission of calling the Board's attention to all policies that are out of date or for other reasons appear to need revision.

School district policies may be amended or repealed at any meeting of the board of trustees and neither the amendment nor the motion to repeal a policy shall require a second reading or meeting for the amendment or motion to repeal to pass.

Policies should reflect the Adopted and to the extent they are amended, the date of any amendment on the policy.

Adopted: 09/10/84

Revised: 09/14/87

Revised: 11/10/97

Revised: 02/08/10

BOARD REVIEW OF ADMINISTRATIVE REGULATIONS

The superintendent will write and promulgate administrative regulations to implement Board policy and present them to the Board for its approval or amendment.

The Board reserves the right to review administrative regulations at its discretion, but it will revise or veto regulations only when, in the Board's judgment, they are inconsistent with policies adopted by the Board.

Administrative regulations need not be reviewed by the Board in advance of issuance except as required by state law or in cases when strong community attitudes, or possible student or staff reaction, make it necessary or advisable for the regulation to have the Board's advance approval.

Officially approved regulations will be included as part of the appropriate Board policy.

Adopted: 09/10/84

Revised: 02/08/10

ADMINISTRATION IN THE ABSENCE OF POLICY

In instances when action must be taken within the school district where the Board has provided no district-wide policy guides for administrative action, or when an exception to policy may be appropriate, the superintendent shall have the power to act.

It shall be the duty of the Superintendent to inform the Board promptly of such action and the need for a policy at the next regular Board meeting.

Adopted: 09/10/84

Revised: 11/10/97

Revised: 02/08/10

SCHOOL BOARD COMMUNICATION BY ELECTRONIC MAIL

Use of electronic mail (e-mail) by school board members should conform to the same standards of judgment, propriety and ethics as other forms of school board-related communication. Board members shall comply with the following guidelines when using e-mail in the conduct of board responsibilities:

1. School Board shall not use e-mail as a substitute for deliberations at Board meetings or for other communications or business properly confined to Board meetings.
2. Board members should be aware that e-mail and e-mail attachments received or prepared for use in Board business or containing information relating to Board business may be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law.
3. Board members should avoid reference to confidential information about employees, students or other matters in e-mail communications because of the risk of improper disclosure. Board members should comply with the same standards as school employees with regard to confidential information.

BOARD MEMBER ORIENTATION AND DEVELOPMENT

A new board member shall be afforded a full measure of cooperation and courtesy by the Board and superintendent. The Board chairman and superintendent shall make every effort to assist the new member to become fully informed about the Board's functions, policies, procedures, and problems.

The new member is to be provided with copies of all appropriate publications and aids, including the Board Policy Manual, Wyoming Education Code, and appropriate publications of school boards associations.

To help all members develop understanding of boardsmanship, the board chairman or superintendent may request guest speakers to present and discuss new developments in various areas of curriculum and instruction.

Board members shall be encouraged to participate in meetings and activities of state and national school boards associations and other educational groups, and to study and examine the materials they receive from these organizations.

Upon Board approval, travel and meeting expenses shall be provided individual members within budgetary limitations to advance their development as school board members.

Adopted: 09/10/84

Revised: 02/08/10

BOARD MEMBER COMPENSATION, EXPENSES, AND INSURANCE

Members of the Board shall serve without compensation. However, as permitted by law, Board members may receive mileage to and from Board meetings at a rate established by the Board. Additionally, the Board may pay travel expenses for members attending meetings or performing Board business. The mileage rate in both instances shall not exceed the maximum allowed by law for state employees.

Travel expenses, including room and meal expenses may be reimbursed either on the district per diem rate for employees or actual expenses as authorized by the Board. Receipts shall accompany claims for actual expense reimbursement.

The Board shall provide liability insurance coverage for its members in order to protect them from financial loss arising from claims filed against them while performing their duties as a school board.

Adopted: 09/10/84
Revised: 02/08/10