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SCHOOL BOARD LEGAL STATUS

As a creation of the state, the Board of Trustees of Big Horn County School District #3 acts as the general agent of the state in carrying out the will of the people pertaining to the public schools of the district. All authority of the Board is bestowed by and subject to the statutes of the State of Wyoming.

Under the law, “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.”

Composition of the Board of Trustees

In accordance with the plan under which the school district was reorganized, the Board of Trustees of Big Horn County School District #3 consists of seven persons. All members shall be elected ‘at large’ from any residence located legally within the school district.

Members serve terms of four years. A term of office begins at 12 noon on December 1 following election.

Established through statute and reorganization order.

Revised: 7/88 12/98 6/8/10

SCHOOL BOARD POWERS AND DUTIES

The Board of Trustees shall be responsible for carrying out mandatory laws and accepting or rejecting the provisions of permissive laws.

Legislative, Judicial, and Executive Authority. The Board shall exercise general supervision over the school system. It shall retain full legislative and judicial authority in accordance with statutes and the will of the electorate and shall delegate executive, supervisory, and instructional authority to employees as hereinafter specified.

Policymaking and Appraisal. The Board shall function as a policymaking and appraising body having complete jurisdiction over the schools and its employees, and shall authorize its superintendent—and, through him, other employees of the school district—to carry out the executive policies and administrative details necessary to ensure that the policies of the Board are effective in the operation of the schools.

Employment of Superintendent and Staff. The Board shall employ a superintendent of schools. Other employees of the district shall be employed by official action of the Board after official nomination by the superintendent.

Specific Powers and Responsibilities of the Board

The Board shall have the following specific powers and responsibilities, together with all others provided by law:

1. To sue and be sued in the name by which the district is designated.
2. To acquire, hold, convey, lease, rent, and manage property, real and personal, for the benefit of the school district in the name by which the district is designated, either alone or jointly with another public or private agency, institution, person, or corporation.
3. To enter into agreements with any public or private agency, institution, person, or corporation for the performance of acts or furnishing of services or facilities by or for the school district.
4. To employ legal counsel and bear the cost of litigation.
5. To accept or reject any federal or other gift, grant, bequest, or devise.
6. To employ a superintendent of schools, teachers, principals, other certified professional employees, and other personnel; and determine their salaries.

7. To discharge any employee subject to the provisions of any applicable law governing the procedure for terminating the employment of school district employees.
8. To insure against loss of property.
9. To establish and maintain either vocational programs or kindergartens or both in connection with the public schools of the district.
10. To become members of county, state, and national school boards associations and pay dues to such associations. The Board may, at its discretion, pay necessary travel expenses and per diem of members and personnel attending meetings of such associations at a rate not to exceed that paid state employees.
11. To provide for the operation of school lunch programs in schools under its jurisdiction.
12. To require any officer or employee whose duty it is to handle funds or property of the district to be bonded under a suitable individual or blanket bond indemnifying the district against loss. The Board shall determine the amount and type of the bond.
13. To acquire for the school district, by condemnation, the fee simple title to any real estate situated within the district as a site for any other necessary or beneficial school purpose, or any lesser interest, including easements and rights-of-way, when necessary in the proper maintenance and operation of the school system. Such condemnation shall be conducted in accordance with the Wyoming Rules of Civil Procedure.
14. To convey, with or without consideration, title to real property which is not being used and will not be used by the district to the state or its political subdivisions for public use.
15. To convey or otherwise divest, with or without consideration, title to personal property which is not being used and will not be used by the district to the extent not prohibited by Article 16, Section 6, Wyoming Constitution.
16. To define “unexcused absence” and “habitual truancy” for all students who are attending public schools and who have met compulsory attendance requirements, and establish rules and regulations regarding their attendance.
17. To establish a school bus driver training program.
18. To establish and maintain a program of adult education.
19. To develop policies and pest control methods including emergency policies, to minimize risk to students and employees, school property and the environment.

20. To enter into school building construction and renovation project agreements with school facilities commission.
21. To adopt policies for the operation of the district, consistent with the laws of the State of Wyoming.

Adopted: 7/13/76

Revised: 6/8/10

**BOARD MEMBER AUTHORITY
(And Duties)**

Members of the Board have legal authority for the conduct of the schools only when acting as a body legally in session.

The Board shall not be bound in any way by any statement or action on the part of an individual member, including the chairman, except when the Board through an adopted policy or by a majority vote of Board membership has delegated this 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: 6/8/10

SCHOOL BOARD ELECTIONS

Elections of Board members are conducted in accordance with provisions of Wyoming law. All members shall be elected by a plurality vote of the qualified electors of the entire district.

Terms on the Board of Trustees are staggered so that the following number of seats expire in these years:

in 1998 (and every four years thereafter), four seats, elected at large within the district
in 2000 (and every four years thereafter), three seats, elected at large within the district

Elections are held on the first Tuesday after the first Monday in November. After elected, board members begin their terms of office at 12:00 noon on December 1.

Established through statute and reorganization order.

Adopted: 6/8/10

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 and laws of the United States of America and of the State of Wyoming; that I will discharge the duties of my office with fidelity; that I have not knowingly violated any law of the State of Wyoming relating to my election or appointment or caused it to be done by others; and that I will faithfully execute the duties of my office as a member of the governing body to the best of my ability.

Adopted: 11/10/09

Revised: 6/8/10

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.

Adopted: 4/11/17

UNEXPIRED TERM FULFILLMENT

Whenever a vacancy occurs on the Board of Trustees, the remaining members shall, within 30 days, choose a person to fill the vacancy and serve until the next election. At that time, through the county filing and election process, a successor Trustee shall be elected to fill the remaining portion of the unexpired term.

If a board member's permanent residence ceases to be in the school district or in the member's Trustee Resident Area, the board member will resign immediately. Upon receipt of a board member's written resignation for this or any other reason, the Board will then accept the resignation by formal action and declare the Board position vacant unless the resignation is withdrawn any time prior to the Board's action.

Adopted: 6/8/10

BOARD ORGANIZATIONAL MEETING

During the first regular meeting following the election of school trustees, the Board shall choose from among its members a chairman, a vice-chairman, a clerk, and a treasurer. Any vacancy occurring in a Board office during the year shall be filled by means of an official election by the Board.

Statutory

Conduct of Elections

The Superintendent shall preside over the opening of the annual organization meeting of the Board. The election of officers shall be held following the call of the roll.

The Superintendent shall call for nominations from the floor for the office of chairman. Names moved and seconded by members shall be entered as official nominations. Nominations shall be closed by a motion and second to that effect. Election shall be by a voice vote or, if the board chooses to do it by written vote, 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.

The chairman shall be elected by a majority vote of Board members and shall assume the chair immediately following the elections. The chairman shall then conduct the election of a vice-chairman, clerk, and treasurer by the method set forth above.

Following the election of officers, the Board may perform other annual duties, including those which follow:

1. Setting of the time and place of regular Board meetings
2. Approval of official depositories for school district funds
3. Designation of newspaper to publish official notices
4. Appointment of a Board recording secretary
5. Official adoption of a district seal
6. Appointment of a school district attorney
7. Authorization for bonds for school employees
8. Appointment of official keeper(s) of certain school district keys, papers, receipts, etc.
9. Election of Board committees and liaisons

Should a Board office become vacant during the year, the Board shall use the method set forth above to elect a new officer.

Adopted: 6/8/10

Revised: 4/11/17

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 nor 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;

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 purposed 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 remaining members of the Board of Trustees.

Adopted: 6/8/10

Big Horn County School District #3, Greybull, Wyoming

**BOARD COMMITTEES
(And Liaisons)**

The Board may appoint committees to perform any function which the Board feels advisable. Committees may also be appointed by the chairman.

1. Each committee shall be appointed solely for the specific tasks of seeking information or investigating facts and shall regularly report its activities and findings to the Board.
2. No individual member and no group comprised of less than the full membership of the Board shall be designated as a permanent committee to perform any of the Board's functions except those for which state law requires signatories.
3. Each committee shall function in an advisory capacity, and the Board of Trustees shall make the final decision in all matters.

In addition to the appointment of members to committees of the Board, the Board may designate individual members to represent the district as liaisons to other agencies.

The following rules will govern the appointment and function of committees and liaisons:

1. The committee/liaison shall be established through action of the Board.
2. The chairman and members shall be named by the Board chairman.
3. The committee/liaison shall be provided with a list of functions and duties.
4. The committee/liaison may make recommendations for Board action, but may not act for the Board unless specifically authorized.
5. The Board chairman and superintendent shall be ex-officio members of all committees.
6. All committees and liaison appointments shall be for no longer than the ensuing annual organizational meeting, at which time the newly elected chairman will have the privilege of making new appointments or reappointments. However, a committee may be dissolved or a liaison discontinued at any time by a vote of the Board.

Adopted: 7/13/76

Revised: 6/8/10

ADVISORY COMMITTEES TO THE BOARD

The Board shall, when it deems appropriate, appoint citizens committees to counsel and assist the district in planning programs and projects.

The following policies shall govern the appointment and functioning of citizens committees:

1. The composition of a citizens committee shall be broadly representative and shall take into consideration the specific tasks assigned to the committee. Members of the certificated staff may be appointed to such committees as members or consultants, as found desirable.
2. All appointments shall be made by the Board, which may name a community selection committee to make nominations for the purpose of obtaining broader community representation. The appointment of any staff members to such committees shall be made by the Board upon recommendation of the superintendent.
3. Each committee shall be clearly instructed as to --
 - a. The length of time each member is being asked to serve;
 - b. The service the Board wishes the committee to render; the extent and limitations of its responsibility;
 - c. The resources the Board will provide;
 - d. The approximate dates on which the Board wishes to receive major reports;
 - e. Board policies governing citizens committees and the relationship of these committees to the Board as a whole, to individual Board members, to the superintendent, and other members of the certificated staff;
 - f. Responsibilities for the release of information to the press.
4. Recommendations of citizens committees shall be based on research and fact.
5. A board of education possesses certain legal powers and prerogatives which cannot be delegated or surrendered to others. Therefore, all recommendations of a citizens committee must be submitted to the Board for official action.

The Board shall have the power to dissolve any advisory committee and shall reserve the right to exercise this power at any time during the life of any committee.

Adopted: 6/8/10

SCHOOL ATTORNEY/LEGAL SERVICES

The Board of Trustees shall appoint an attorney to advise and represent the District.

It shall be the duty of the School District attorney to advise the Board and the Superintendent on specific legal problems submitted to him/her. The attorney shall attend meetings upon request and shall be familiar with requirements of the Wyoming Education Code and with Board policies, actions, and practices under these policies.

Adopted: 6/8/10

SCHOOL BOARD MEETINGS

The regular meeting of the Board of Trustees of Big Horn County School District No. 3 shall be held in the Greybull High School Library, 732 North 6th Street, Greybull, Wyoming, on the 2nd Tuesday of each month. All regular meetings will convene at 7:00 p.m.

Board Meetings shall be held monthly as per state statute. The date, time and place of monthly board meetings shall be set at the organizational meeting in December.

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.

Adopted: 6/12/12

Big Horn County School District #3, Greybull, Wyoming

AGENDA FORMAT

The order of business at all regular meetings shall be as follows unless altered by unanimous consent of those members present:

1. Call to Order
 Pledge of Allegiance
2. Roll Call
3. Approval of Consent Agenda (* items)
4. Reading and Approval of Minutes of Previous Meetings
5. Agenda Additions/Deletions/Adoption
6. Audience and Communication
7. Other Business
8. Old Business
9. New Items
10. Approval of Bills
11. Board Discussion
12. Executive Session (if required)
13. Adjournment

Adopted: 7/13/76

Revised: 2/12/85 6/8/10 6/11/13 12/9/14

CONSENT AGENDA

The purpose of this policy is to allow the use of a consent agenda. In order for a more efficient administration of school board meetings, the school board may elect to use a consent agenda for the passage of noncontroversial items or items of a similar nature.

The Superintendent, in consultation with the school board chair, may place items on the consent agenda. By using a consent agenda, the school board has consented to the consideration of certain items as a group under one motion. Should a consent agenda be used, an appropriate amount of discussion time will be allowed to review any item upon request.

Consent items are those which usually do not require discussion or explanation prior to school board action, are noncontroversial and/or similar in content, or are those items which have already been discussed and/or explained and do not require further discussion or explanation. Such agenda items might include ministerial tasks such as, but not limited to, the approval of the agenda, approval of previous minutes, approval of bills, approval of reports, etc. These items might also include similar groups of decisions such as, but not limited to, approval of staff contracts, approval of maintenance details for the school district buildings and grounds or approval of various schedules.

Items shall be removed from the consent agenda by a timely request by an individual school board member for independent consideration. A request is timely if made prior to the vote on the consent agenda. The request does not require a second or a vote by the school board. An item removed from the consent agenda will then be discussed and acted on separately immediately following the consideration of the consent agenda.

Consent agenda items are approved en masse by one vote of the school board. The consent agenda items shall be separately recorded in the minutes.

Consent agenda items will be identified on the agenda by an * in front of the item.

Adopted: 6/11/13

AGENDA PREPARATION AND DISSEMINATION

The superintendent shall prepare all agendas for meetings of the Board. In doing so, the superintendent shall consult with the chairman.

Prior to distribution of the agenda, items of business may be suggested by any Board member, staff member, or citizen of the district; the inclusion of such items shall be at the discretion of the superintendent and chairman. Board items shall be submitted to the superintendent four school days prior to the official Board Meeting.

The agenda, together with supporting materials, shall be distributed to Board members sufficiently prior to the meeting, if at all possible, to permit them to give items of business careful consideration. The agenda shall also be made available to the press, representatives of community and staff groups, and to others upon request.

The Board shall follow the order of business set up by the agenda, unless, by consensus, the Board agrees to modify the order of business. The agenda will allow a suitable time for the remarks of the public who wish to speak to the Board.

Adopted: 7/13/76

Revised: 2/12/85 7/15/09 6/8/10

QUORUM

To constitute a quorum for the transaction of school business, a majority (four) of the members of the Board of Education shall be present. The chairman may be the fourth member.

Adopted: 7/13/76

Revised: 6/8/10

MINUTES

A complete and accurate set of minutes of each Board meeting shall be kept. The minutes shall be maintained in an official record book designated for this purpose.

The minutes shall constitute the official record of proceedings of the Board, shall be in official custody of the Board clerk, and shall be open to public inspection at all reasonable times. Twice a year, the Board will meet its statutory obligation to inform the public of the availability of the minutes for inspection.

A copy of the minutes of each meeting shall be sent to each member of the Board.

Format of Minutes. The minutes shall contain all pertinent discussions and a record of all motions which are passed or defeated, with dissenting votes recorded. When a vote is taken by roll call, or when any member requests a record of individual votes, the minutes shall show each member's name and vote of "aye" or "nay." The minutes shall be indexed to facilitate simple access to the topics.

Adopted: 7/13/76

Revised: 4/12/77 6/8/10

PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board desires to hear the viewpoints of district residents. Therefore, audience and other communications shall be part of the agenda at all regular Board meetings, thus providing the public with regular monthly access to the Board.

If a large number of citizens wish to be heard, the chairman will ask each to put in writing his or her name, address, and the topic on which he or she wishes to comment. The chairman will use this information to determine whether to:

1. Set a general time limit on the public participation portion of the meeting and grant each person who wishes to comment an equal share of the time; or
2. Offer the persons present opportunity to choose a spokesman for their cause--this procedure will normally apply when many people are present for the same purpose; or
3. Schedule a special public hearing for a later date when all citizens will be invited to express their opinions.

In all cases, the chairman shall be responsible for recognizing speakers (who shall properly identify themselves), for maintaining order, and for adherence to any time limits set.

The Board shall give due attention to comments and contributions from the audience, but shall not be expected to respond or take action immediately. Audience inquiries, other than simple questions, shall be referred to the superintendent who shall investigate or consider the matter and report to the citizen and to the Board. If Board action is indicated, the item may be included in the agenda for a subsequent meeting. Occasionally the Board may limit the speakers' time and otherwise regulate public participation to expedite Board business.

Members of the public shall 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 item.

Qualifications for Public Attendance

State law provides that

“A member of the public shall not be required as a condition of attendance at any meeting to register his name, to supply information, to complete a questionnaire, or fulfill any other condition precedent to his attendance except that a person seeking recognition may be required to give his name and affiliation.”

Disruptions of Board Meetings

State law permits school boards to regulate conduct for the purpose of achieving an orderly meeting. Additionally, if any board meeting

“is willfully disrupted by a person or group of persons who are willfully interrupting the meeting, the [board]...may order the removal of such person or group from the meeting room and continue in session or may recess the meeting and reconvene at another location. Only matters appearing on the agenda may be acted upon in a meeting recessed to another location. A governing body of an agency shall establish procedures for readmitting an individual or individuals not responsible for disturbing the conduct of a meeting. Duly accredited members of the press or other news media except those who participated in a disturbance shall be allowed to attend any meeting permitted in this section.”

Statutory

Adopted: 7/13/76

Revised: 4/9/85 6/8/10

BOARD HEARING/APPEAL PROCEDURES

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

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 service 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: 6/8/10

**RULES OF PRACTICE GOVERNING HEARINGS AND CONTESTED
CASES BEFORE THE BOARD OF TRUSTEES OF
BIG HORN COUNTY SCHOOL DISTRICT NUMBER THREE
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 Big Horn County School District No. 3 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 Big Horn County School District No. 3.
- 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 Big Horn County School District No3, Greybull, 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 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 made 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 or delivered 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 Recommendation 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 may 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 LUNCHES

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. 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.

Adopted: 6/12/12
Revised: 12/11/12

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: 6/12/12

MEETING PROCEDURES

The Board believes it can meet as a body and proceed best with its deliberations in an atmosphere of free exchange of information and opinion unhampered by formal rules of order which are usually designed for the management of large groups or organizations. The Board shall not consider itself bound by the rules of any certain manual of parliamentary procedure but will generally follow the format described in Roberts' Rules of Order, and in the event of a dispute those rules shall control.

The Chairman of the Board is responsible for the orderly conduct of the meeting and shall rule on such matters as time to be allowed for public discussion, the appropriateness of the subject being presented, and the suitability of the time for such a presentation. All such rulings are subject to review by the Board at a subsequent meeting, properly noticed, as long as the matter is included on the agenda.

Adopted: 07/13/76

Revised: 11/11/03 6/8/10

VOTING METHOD

No action shall be valid unless approved by a majority of the members elected to the board. A board member cannot abstain from voting unless there is a clear conflict of interest.

Votes shall be taken by voice or a show of hands. All actions taken or motions passed or denied in board meetings shall be recorded. At the request of any member, the chairman shall call a roll call and the "yeas" and "nays" shall be recorded.

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

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.

Adopted: 1977

Revised: 11/11/03 6/8/10

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.

Adopted: 6/8/10
Revised: 4/11/17

BOARD REVIEW OF ADMINISTRATIVE REGULATIONS

The Superintendent will write and promulgate administrative regulations to implement Board policy and will present them to the Board for informational purposes or comment as the Board may desire.

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: 6/8/10

Revised: 4/11/17

POLICY DISSEMINATION

The superintendent is directed to establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Board and the administrative rules and regulations needed to put them into effect.

Accessibility is to extend at least to all employees of the school district, to members of the Board, and, insofar as conveniently possible, to all persons in the district.

All policy manuals distributed to anyone shall remain the property of the Board and shall be considered as “on loan” to anyone, or any organization in whose possession they might be at any time. They are subject to recall at any time deemed necessary for purposes of updating.

The Board’s policy manual shall be considered a public record and shall be open for inspection at the Board offices.

Adopted: 6/8/10

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: 6/8/10

SUSPENSION OF POLICIES

The operation of any section or sections of Board policies not established by law or contract may be temporarily suspended at any regular or special meeting if so authorized by a two-thirds vote of all members elected to the Board.

Adopted: 7/13/76

Revised: 4/9/85 6/8/10

BOARD-STAFF COMMUNICATIONS

Communications, suggestions, and complaints from staff members to the Board shall follow appropriate channels--that is, those related to the individual's regular assignment.

Adopted: 7/13/76

Revised: 6/8/10

NEW BOARD MEMBER ORIENTATION

The Board and its officers shall, to the best of their ability, assist each newly elected member understand the Board's functions, policies, and procedures. The following methods will be employed:

1. Letter of Welcome – Invitation. It shall be the policy of the Board to send a letter of welcome to each newly elected member. The letter shall include an invitation to the new member to attend Board meetings as a visitor until such time as his term of office begins.
2. Tour of Plant. A complete and detailed tour of the various school plants with the administration and Board members will be conducted.
3. Reports and Materials. Materials, which reflect past actions, past and present policies of the Board, and the general pattern of the educational program shall be given to the new member. These materials should include a copy of the Board policy manual, other district handbooks, and official minutes of the Board meetings as far back as seems relevant to the new member.

Copies of reports of past surveys made of the district will be loaned the new member so that he may become familiar with professional evaluations of the district.

He shall also receive a copy of materials published for board members by the state school boards association.

4. Information for New Member. The superintendent shall make his time available for orientation of the new Board member. Curricular offerings of the educational program may be reviewed with the new member at this time. The superintendent's function here is to help the new member become familiar with school district and the Board's responsibility to it.
5. Conference Attendance. The new member shall be encouraged to attend as many conferences, conventions, and meetings relating to the problems of public education as possible.

Adopted: 6/8/10

BOARD MEMBER COMPENSATION AND EXPENSES

Members of the Board serve without compensation. However, the law provides that members may receive mileage to and from Board meetings at a rate not to exceed the maximum allowed by law for state employees.

In addition, the Board may vote to pay travel expenses and per diem of members attending meetings of school boards associations at a rate not to exceed that paid state employees.

Statutory

Adopted: 6/8/10

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.

Adopted: 6/8/10