

**GOVERNMENT OF THE VIRGIN ISLANDS
VIRGIN ISLANDS BOARD OF EDUCATION**



VIRGIN ISLANDS BOARD OF EDUCATION

By-Laws of the Virgin Islands Board of Education

Submitted this ___ Day of September, 2019

to

GOVERNOR ALBERT BRYAN

by

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EXECUTIVE DIRECTOR**

**ARAH C. LOCKHART, CHAIRPERSON
VIRGIN ISLANDS BOARD OF EDUCATION**

Copy below is hereby certified to be a true and correct copy of the Regulations adopted pursuant to authority granted in Title 3 V.I.C., Chapter 7, Section 98(c).

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SUBCHAPTER 97. VIRGIN ISLANDS BOARD OF EDUCATION

Section 97-1. AUTHORITY

Virgin Islands Code Title 3, Section 912 states that each regulation adopted, to be effective, must be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law. Virgin Islands Code Title 3, Chapter 7, Section 98(c) authorizes the Virgin Islands Board of Education to prescribe rules and regulations for the conduct of its proceedings.

Section 97-2. PURPOSE OF REGULATIONS

These regulations are promulgated pursuant to and shall supplement the Virgin Islands Board of Education enabling statutes, Title 3, Sections 97, 97a and 98 of the Virgin Islands Code. These regulations are intended to establish uniform and coordinated operational procedures for the administration and conduct of the Board pursuant to the provisions of 12 V.I.C. §§ 97, 97a and 98.

Section 97-3. VISION STATEMENT

The vision of the Board is to ensure that each student and the community are provided with the best education to enhance academic achievement, pride, and self-worth through programs of quality academic instruction, including our history and culture.

Section 97-4. MISSION STATEMENT

The Board is committed to its vision and will provide the transformation of the structure of existing public education through:

- (a) Governance over the Public Education System;
- (b) Improved student, parent, teacher relationships;
- (c) Comprehensive community engagement;
- (d) Standards that promote high academic achievement;
- (e) Creation of an environment that is conducive to effective communication;
- (f) Enhanced quality of professional development for all Board members and staff; and
- (g) Provision of adequate resources to achieve the Board's vision, goals, and objectives.

Section 97-5. ROLE OF BOARD

The Board's primary goal is devising policies, rules and regulations to educate all students to become competent, literate and responsible citizens, capable of making successful life choices within the global community. The Board is responsible for the general policy and direction of education in the Virgin Islands. This broad authority shall be exercised in accordance with the Federal Constitution, the Revised Organic Act and Virgin Islands laws and regulations. The Board may execute any powers delegated to it and shall discharge any duty imposed upon it by law.

Section 97-6. EXECUTIVE FUNCTIONS

The Executive Committee, comprised of the Chairperson, Vice Chairperson and Secretary of the Board, shall have general supervision of the affairs of the Board between its business meetings. The Executive Director or a party the Board designates, shall serve as the chief executive officer of Board. The Board delegates to the Executive Director or designee the authority to carry out Board decisions and to make and carry out any decisions which it delegates. The Executive Director or designee shall be fully responsible for the proper use of this authority. The Board retains ultimate responsibility for the performance of any powers or duties delegated, however, the Executive Director shall have the authority to make decisions regarding the day-to-day operations of the Board.

Section 97-7. JUDICIAL FUNCTIONS

The Board shall serve as a body of appeal for grievances and complaints in accordance with Virgin Islands law. The Board may establish procedural rules to guide the process of hearing complaints concerning school matters.

Section 97-8. BOARD STANDARDS

The Board shall hold itself to high standards of performance, accountability and conduct in order to meet the expectations of the public. Therefore, these Board standards provide a framework for effective policy making and keep the Board's focus on student achievement.

Section 97-9. BOARD MEMBER DUTIES

Unless so authorized by official action of the full board, no member shall be authorized to make commitments for the Board on any matter that requires action of the Board. Individual board members shall perform the following duties:

- (a) Attend meetings of the Board, enter into discussions, and vote on items presented to the Board for decisions, unless there is a conflict of interest or other valid reason not to vote;
- (b) Recognize that he or she, as an individual board member, has no authority to bind the Board or act for the Board except on assignment from the Board;
- (c) Adhere to the ethical standards adopted by the Board (Appendices A and B);
- (d) Become acquainted with the public educational issues in his or her district and the Virgin Islands as a whole;
- (e) Refer problems brought to his or her attention through the Chairperson to the Executive Director for action, interpretation, or submission to the Board;
- (f) Serve on committees in accordance with these regulations;
- (g) Become informed about educational issues affecting the Board's constituents by attending at least one development activity, including state, regional, and national workshops or conferences, such as those offered by the National School Board Association;
- (h) Report on each development activity at a regular meeting as soon as possible after the activity; and
- (i) Submit any requests for research or administrative studies through the Chairperson to the Executive Director.

Section 97-10. ELECTION OF OFFICERS

The term of office for the Chairperson, Vice-Chairperson and Secretary shall be two years and shall end upon the end of the Board's term, the member's resignation from the Board or administrative position or removal of the officer in accordance with 3 V.I.C. § 98. The election of officers shall take place at the first regular Board meeting of the newly elected Board. Following the conclusion of the term of office of the current Chairperson, Vice Chairperson and Secretary, or in the case of a vacancy, the election of officers shall take place at the next regular Board meeting. If a vacancy occurs prior to the conclusion of the regular term of office of an officer, the

election to fill that vacancy may take place at the current Board meeting, but no later than the next regular Board meeting.

Section 97-11. REIMBURSEMENT OF EXPENSES

In addition to receiving a stipend, Board members shall be reimbursed for necessary expenses incurred in attending any meeting or in conducting official business of the Board when so authorized by the Board. Official business shall include only those activities which are determined and approved by the Board. The reimbursement must be for pre-approved necessary expenses or an unavoidable expenditure. The Board may reimburse Board Members for expenses incurred in participating in development activities other than NSBA and CUBE conferences, upon approval by the Board.

Section 97-12. CHAIRPERSON

(a) In addition to presiding over all Board meetings, the Board Chairperson shall have the following duties:

- (1) Call the meeting to order at the appointed time;
- (2) Announce the business to come before the Board in its proper order;
- (3) Enforce the Board's policies relating to the order of business and the conduct of meetings;
- (4) Appoint and disband all committees, subject to Board approval;
- (5) Call such special meetings of the Board as he/she may deem necessary, giving notice as prescribed by law;
- (6) Excuse Board member absences from regular and special Board meetings;
- (7) Confer with the Executive Director or designee on setting the meeting agenda and on crucial matters which may occur between Board meetings;
- (8) Be responsible for the orderly conduct of all Board meetings and enforce applicable rules of parliamentary procedure;
- (9) Share informational mail with other Board members, except where required to protect the Board's confidentiality;
- (10) Consult with the Executive Director and legal counsel regarding legal matters;

- (11) Sign all contracts approved by the Board, Board Resolutions, minutes and all other official documents that require the signature of the Chairperson;
- (12) Act as a resource to the Executive Director on decisions that may require further information during Board meetings;
- (13) Keep the Vice Chairperson informed on all pertinent matters in case the Chairperson is absent;
- (14) Represent the Board at official functions or designate other Board members to so represent the Board; and
- (15) Assume other duties authorized by the Board.

(b) The Chairperson shall have all the rights of any member of the Board including the right to move, second, discuss, and vote on all questions before the Board. The Chairperson may also delegate any of its duties on a temporary basis to the Vice Chairperson or the Secretary.

(c) The Chairperson may appoint any of the members to serve on advisory committees or as the Board's representative to other public agencies or organizations when the Chairperson deems such appointments desirable, contingent on acceptance of the appointment by the member.

Section 97-13. VICE CHAIRPERSON

When the Chairperson resigns or is absent or disabled, the Vice Chairperson shall perform the Chairperson's duties until the Chairperson is no longer absent or disabled or until a new chairperson is elected.

(b) The duties of the Vice Chairperson shall be to: serve as presiding officer at meetings in the absence of the Chairperson; Assist the Chairperson as the Chairperson deems appropriate and perform any other duties assigned by the Board.

Section 97-14. SECRETARY

(a) When both the Chairperson and Vice Chairperson are absent or disabled, the Secretary shall perform the Chairperson's duties until the Chairperson or Vice Chairperson is no longer absent or disabled or until a new Chairperson or Vice Chairperson is elected.

(b) The duties of the Secretary shall be to:

- (1) Certify or attest to actions taken by the Board when required;
- (2) Maintain such other records or reports as required by law;
- (3) Sign the minutes of the Board meetings following their approval;
- (4) Sign documents as directed by the Board, board resolutions, policies, orders of the Board, and all other documents which require the signature of an attesting officer;
- (5) Serve as presiding officer in the absence of the Chairperson and Vice Chairperson; and
- (6) Perform any other duties assigned by the Board or as delegated by the Chairperson.

Section 97-15. COMMITTEES

(a) The Board may establish committees of the Board as deemed necessary. No committee shall exercise the authority of the Board. The membership of these committees is limited to less than a majority of the Board's membership. The Board shall establish written charges or duties for Board committees.

(b) The Chairperson may be a member of any committee. The Executive Director or designee may serve as an advisor to any committee at the discretion of the Board. Committees may actively seek input and participation by parents/guardians, staff, community and students, and may consult with local public boards and agencies. The Chairperson is a de facto member of each standing committee, however, he or she shall only have voting privileges in his or her assigned committee, if any.

(c) Committees shall act in an advisory capacity only, making recommendations to the Board. No committee action shall be binding on the full Board. The Board as a whole shall have the final consideration in all matters.

Section 97-16. STANDING COMMITTEES

(a) Standing Committees. The Board shall have standing committees to address the operations and duties of the Board which shall include committees on:

- (1) Professional Staff Certification and Higher Education;
- (2) Policies, Rules and Regulations;
- (3) School Plants and Facilities; and
- (4) Public and Private Sector Liaison;

(b) Standing Committee Membership. The Chairperson of the Board shall appoint a chairperson of each standing committee from its members. The Chairperson shall appoint no more than four (4) members, including the committee chairperson, to a standing committee based on the following guidelines:

- (1) Each Board member must serve on at least two standing committees;
- (2) No Board member may serve on more than three standing committees; and
- (3) No Board member shall chair more than one standing committee.

(c) Ad hoc and liaison assignments are not considered to be standing committees. Any member of the Board who is interested in serving on a standing committee shall notify the Chairperson promptly concerning their interest. Any member who is interested in attending standing committee meetings may do so but shall not be allowed to vote.

(d) The Board Chairperson shall serve as an ex-officio member on all standing committees. Standing committee chairpersons and members shall serve for the same term as the Board Chairperson which appointed them.

(e) All committees of the Board shall follow the provisions of the Freedom of Information Act.

Section 97-17. AD HOC COMMITTEES

(a) Ad hoc Committee members shall be designated in the first instance by the Chairperson. Any Board member interested in serving on an ad hoc committee shall notify the Chairperson promptly concerning his or her interest. Any member who is interested in attending ad hoc committee meetings may do so but shall not be allowed to vote.

(b) In the event of vacancies on ad hoc committees, the Chairperson shall appoint new committee members. All appointments expire when the committee assignment expires or the Board dissolves the committee. All ad hoc committees shall report their findings and recommendations to the Board. The work of the committee is deemed complete by the Chairperson when the final committee report is submitted to the Board.

Section 97-18. REGULATIONS AND POLICIES

(a) The Board shall adopt rules and regulations in accordance with 17 V.I.C. § 21 as may be necessary to carry out its powers and duties regarding governance and oversight of the public school system. The Board shall also adopt regulations to govern the complaint process. Regulations required for adoption by the Board shall be promulgated in accordance with applicable provisions of the Virgin Islands Code.

(b) The Board of Education shall maintain a policy manual which shall govern the day-to-day operations of the agency. This manual shall be reviewed and updated every three years.

(c) Two readings are required to adopt board operational policies (including policy manual, amended by-laws and other documents that govern Board operations). Only those written statements adopted and recorded in the minutes shall constitute official Board policy. At its second reading, the policy may be adopted by a majority vote of the members of the Board present at a meeting where a quorum has been established. The Board may waive the second reading or may require additional readings.

Section 97-19. AMENDMENTS TO BOARD BYLAWS

When the need for a new By-law or modification of an existing By-law is recognized, the Executive Director or designee shall draft a new or modified By-law for consideration by the Board. By-laws shall be adopted and amended by a majority vote of the members of the Board present at a regular or special Board meeting. The adopted amendments shall be promulgated in accordance with applicable law.

SUBCHAPTER 97a. BOARD MEMBER QUALIFICATIONS; RESIGNATION

Section 97a-1. OATH OF OFFICE

The members of the Board shall take the oath of office administered by a judge for the faithful performance of their duties and adherence to federal and Virgin Islands law.

Section 97a-2. ORIENTATION

Regular efforts shall be made to orient new board members in meeting Board standards, to provide on-going Board development opportunities to assist all board members in meeting those standards, and to assess Board performance in meeting them. Each new member shall attend workshops for newly elected members, as designated by the Board.

Section 97a-3. BOARD VACANCIES

The Board shall declare a vacancy on the Board for any actions which disqualify a member from service in accordance with Virgin Islands laws. Vacancies shall be filled by the Governor, with ratification by the Legislature.

Section 97a-4. RESIGNATION

A Board member who wishes to resign may do so by submitting his/her written resignation to the Board. The Board shall declare the board member's seat vacant upon acceptance of the resignation and shall request that the Governor of the Virgin Islands fill the vacancy in accordance with applicable law. The Board may accept the resignation with a deferred effective date.

Section 97a-5. CONFLICT OF INTEREST

Board members shall read and familiarize themselves with the provisions of the Board's Conflict of Interest Policy provisions (Appendix A). Board members shall also be familiar with the Virgin Islands Government's Conflict of Interest statutes, and in any case where a member has a conflict of interest in a particular vote of the Board, such member(s) shall excuse himself or herself from the vote of the Board in accordance with these regulations.

Section 97a-6. CODE OF ETHICS; ENFORCEMENT

(a) Purpose and Scope. The Board, recognizing that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained. No code or policy can describe the appropriate ethical behavior for every situation with which Board members or staff members might be confronted. The individual must rely on his or her good judgment, keeping in mind that the Board's ethical commitment is rooted in fairness, equity, and integrity.

(b) Violations. The Code of Ethics (Appendix B) contains rules of conduct for Board Members that were adopted by all Board Members for the proper functioning of the Board and to ensure the Board's focus remains on its goals and objectives. The Conflict of Interest Policy includes several specific rules, e.g., a prohibition against private financial interests in public contracts and a general prohibition against the use of their public position for their own private financial gain or that of another. Both policies are binding on all Board Members, and any violations shall subject the members to penalties and/or fines in accordance with these regulations.

(c) Making a Complaint. Any member may write a letter to the Board Chair to make a formal allegation regarding a violation by another member of the Conflict of Interest Policy, the Code of Ethics or the By-Laws. The letter must contain details of the alleged violation, including the specific section alleged to be violated, the time, place and the details surrounding the incident or event leading to the violation and any other facts the member believes supports the allegations. There must be proof provided. Any supporting documentation must be attached to the letter. It is not enough to complain that a member made a wrong decision or was negligent, incompetent, insensitive, unethical or hostile. The conduct must violate one of the rules set forth in the Code of Ethics, the Conflict of Interest Policy or the By-Laws.

(1) Response to Complaint. The Chairperson shall order the Complainant to file a response to the letter complaint within fifteen (15) days of the member's receipt. Once the response is received, the allegation and response will be discussed in executive session at the first regular board meeting after the allegation letter has been distributed to the members of the board.

(2) Hearing. The Board shall hear the allegations and the response during an executive session held in compliance with the Virgin Islands Government in the Sunshine Act, 1 V.I.C. § 251. As with all meetings, a quorum must be

established and held for any action to be valid and binding. In addition to the written response, the responding member shall be given a reasonable opportunity to verbally respond to the allegations and to be represented by legal counsel of its own choosing.

(3) Review. The Board shall first determine if there is probable cause to continue. If probable cause is determined, a hearing may be held at the first meeting or rescheduled to provide an opportunity for the Board to hear other evidence. At the Board's discretion, an independent hearing examiner may be appointed to hear the matter. If a hearing examiner is appointed, it shall make a recommendation to the Board after hearing the matter.

(4) Determination. The Board shall vote on whether or not there has been a violation and what action will be taken, if any. Any official action must carry a simple majority of those voting. The Board Chair or designee shall prepare a detailed memorandum and forward it, with all necessary supporting documentation to the Executive Director for distribution as appropriate.

(d) Confidentiality. To protect against public disclosure of unwarranted or frivolous complaints, the Ethics Code requires all information relating to a filed complaint be kept confidential until the Board or its representative has finished its investigation and found probable cause or a violation, or until the matter is settled, withdrawn or dismissed. Investigations by the Board or its appointed representative must be conducted as discretely as possible.

(e) Conciliation Agreement. The Board may enter into conciliation agreements with person or persons who are the subject of an investigation under this section. This agreement permits a person to acknowledge having violated the Ethics Code and accept specific penalties provided by the Ethics Code. The inconveniences, expense and attendant notoriety of hearing are avoided. Such Agreements can be entered at any stage of an investigation or proceeding. The cooperation of the accused and the savings of time and expense are matters to be considered by the Board in establishing the penalties to be imposed. Although a hearing can be avoided by the agreement, the agreement itself must be distributed to the entire Board.

Section 97a-7. SANCTIONS.

The Board can impose any of the following sanctions for violation of the Conflict of Interest Policy, the Code of Ethics or the By-Laws:

1. Public reprimand;
2. Cease and desist order;
3. Order of restitution;
4. Fines not to exceed \$ 1,000 per violation; or
5. Suspension of member's voting privilege at Board meetings, not to exceed 90 days.

In addition to these sanctions, a violation may constitute a misdemeanor and/or a criminal violation with penalties. The Board has no criminal jurisdiction, but if its proceeding uncover evidence of a criminal violation of any nature; the Board can defer its own action and refer the matter to the Attorney General's office for criminal action.

SUBCHAPTER 98. MEETINGS; QUORUM; COMMUNICATIONS

Section 98-1. OPEN MEETINGS

(a) Title 1 Virgin Islands Code, Section 254 requires meetings of the Board to be open to the public except as exempted by law and requires public notice of such meetings. Meetings of the Board are conducted for the purpose of accomplishing board business. A meeting of the Board shall consist of any gathering with five (5) or more members of the Board present to collectively consider a matter upon which the Board is empowered to act.

(b) As a matter of board policy and territorial law, meetings ordinarily shall be open to the public. The Board may meet in closed sessions only to discuss certain matters as permitted or required by the Virgin Islands Government in the Sunshine Act, including the following:

- (1) conducting staff meetings for investigative purposes under duties or responsibilities imposed by law;
- (2) discussing or deliberating the appointment, employment, hiring, disciplinary action, or dismissal of a public officer or employee;
- (3) deliberating complaints on school matters on appeal to the Board;
- (4) discussing pending or potential litigation;
- (5) discussing matters pertaining to sealed proposals and bids where procurement rules require confidentiality; and
- (6) discussing matters related to individual students, their records and testing.

Section 98-2. COMMUNICATIONS

(a) E-Mail Usage Guidelines. The Virgin Islands in the Sunshine Act mandates that all meetings of public bodies such as the Board be open to the public. E-mail, like other written forms of communication relating to the conduct of the public business is subject to the Freedom of Information Act and subject to disclosure. It is the policy of the Board that e-mail shall not be used in such a manner as to deprive the public of the rights given to it under the Freedom of Information Act. For this purpose, this By-law sets forth guidelines regarding the use of e-mail by Board members when communicating with other Board members.

- (1) Board members shall not use e-mail as a substitute for deliberations at public Board meetings, and/or shall not discuss policy matters or vote informally on any issues.
- (2) E-mail should be used to pass along factual information.
- (3) Personnel issues and other sensitive subjects should never be discussed on-line or through e-mail.

- (4) The confidentiality of employee data, student data, and other sensitive subjects must always be maintained.
- (5) Information labeled CONFIDENTIAL shall not be forwarded or provided in any manner to persons not a member of the Board or Board staff.
- (6) Board members shall not disclose student records and must in all manner comply with the Family Educational Rights and Privacy Act of 1974 (FERPA) to keep student records and information identifying students confidential.

(b) Any usage contrary to the aforementioned shall be reported immediately to the Executive Director and may result in the suspension and/or revocation of system access by the Board member.

(c) Board Public Statements. Public statements in the name of the Board shall be issued by the Board Chairperson or, if appropriate, by the Executive Director or designee at the direction of the Board Chairperson.

(d) Public Notice. Reasonable public notice shall be given for all meetings of the Board in accordance with law, and shall be posted for the public before the meeting. Such notice shall include the date, time and place of the meeting, and if the meeting is by teleconference, the location of any teleconferencing facilities that will be used.

(e) Annual Calendar. The Board may adopt a yearly calendar specifying the date, time and place of each regular meeting. The local media shall be mailed the annual calendar of regular Board meetings and shall be notified of any changes to the calendar.

(f) Meeting Frequency. The Board shall hold one (1) regular meeting at least every two months. Notice of regular meetings shall be posted in the Board's district offices and on the Board's website four (4) calendar days prior to the meeting. Notice shall be published in a newspaper(s) of general circulation in the Virgin Islands at least five (5) days before each meeting. Efforts shall also be made to utilize any social media outlets available to the Board.

Section 98-3. SPECIAL MEETINGS

(a) Special Meetings. Special meetings of the Board may be called by the Chairperson on his or her own or at the request of at least three board members or

the Commissioner of Education. Except in cases of an emergency, notice of special meetings shall be delivered at least 24 hours before the meeting to all Board members, the Executive Director, and to the local media. Efforts shall also be made to utilize any social media outlets available to the Board. This notice shall specify the date, time and place of the meeting and shall include a statement of the purpose of the meeting. No business may be transacted other than that stated in the notice of the meeting.

(b) Emergency Special Meetings. The Board Chairperson or designee shall give notice of an emergency special meeting to the local media by telephone before the meeting as well as to the general public on social media. If telephone and/or internet services are not functioning substantially throughout the Territory, the notice requirement is deemed waived. As soon after the meeting as practicable, the Board shall notify the local media and announce the same on social media that the meeting was held and shall describe the purpose of the meeting and any action taken by the Board.

Section 98-4. TELECONFERENCES

(a) Recognizing the inherent responsibility and statutory duties of Board members, the Board strongly encourages Board members to attend and participate in meetings of the Board. Though great importance is given to the physical presence of Board members at meetings, the attendance and participation of members by teleconference is authorized whenever physical presence is not practicable. All votes at meetings of members attending by teleconference shall be taken by roll call. The Board also authorizes the use of teleconferences for Board meetings when receiving public comment or testimony and during Board deliberations.

(b) Whenever possible, meeting agendas and supporting materials shall be available at teleconference facilities used for the Board meeting.

Section 98-5. EXECUTIVE SESSIONS

Prior to entering an executive session, the Board first shall meet in open session. At this open meeting, the Board shall enter an executive session only after a majority of the Board votes to accept a motion to enter the executive session. The motion shall clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private. Unless stated in the motion for executive session, or auxiliary to the main question, no other subject may be discussed in that executive session.

Section 98-6. AGENDA

(a) The Board Chairperson and the Executive Director shall prepare an agenda for each meeting of the Board. All agendas shall include the meeting time and place and description of each business item to be transacted or discussed. All agendas shall be posted for public review at least three (3) days prior to the meeting.

(b) Board members may request that any item be placed on the agenda no later than five (5) working days before the scheduled meeting date. Any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and submitted to the Executive Director with supporting documents and information, if any, at least seven (7) working days before the scheduled meeting date. The Board Chairperson and Executive Director will decide whether any request is within the subject matter jurisdiction of the Board and whether the agenda item is appropriate for discussion in open or executive session.

Section 98-7. MEETING CONDUCT

(a) Professionalism. The Board desires to conduct its meetings effectively and efficiently and in a professional manner. All Board meetings shall begin on time and shall be guided by the agenda formed by the Chairperson or Board members and other designated persons.

(b) Parliamentary Procedure. Board meetings shall be conducted by the Chairperson in a manner consistent with these regulations and generally accepted parliamentary procedures under the most recent version of *Robert's Rules of Order* in all cases to which they are applicable and in which they are not inconsistent with these regulations and applicable provisions of the Virgin Islands Code.

(c) Quorum. A majority of the number of positions on the Board constitutes a quorum. Unless otherwise provided by law, affirmative votes by a majority of the Board's members present at the meeting are required where a quorum is present to approve any action under consideration.

(d) Abstentions. Members may abstain if they lack sufficient information necessary to vote or have a conflict of interest. Otherwise, members have a duty to vote on issues before them. When a member abstains because of a conflict of interest or any other reason, his/her abstention shall not be counted with the action taken by the

majority of those who vote, whether affirmatively or negatively. If a member recuses himself or herself, the majority of the members remaining are required to approve a matter before the Board, once a quorum remains established.

Section 98-8. BOARD MEETING MINUTES

(a) The Board Secretary or designee shall record all official Board actions. Official Board Minutes and the master copy of the policy manual shall be stored in a secure location in the Board's main offices in St. Thomas and St. Croix.

(b) Copies of the unapproved minutes of each regular or special meeting shall be distributed to all Board members along with the agenda prior to the next regular meeting. If necessary, corrections to the minutes shall take place at the next scheduled regular board meeting before being presented for approval. Once approved, the minutes must be signed and made available for public review at the district offices.

Section 98-9. RECORDING OF VOTES

Motions or resolutions shall be recorded as having passed or failed. Individual votes shall be recorded unless the action was unanimous. All Board resolutions shall be numbered consecutively from the beginning of each calendar year. To vote, members must be present at board meetings and executive sessions either in person or electronically, not by proxy.

Section 98-10. RECORDING DEVICES

A written transcript, video or audio tape recording shall be made at each Board meeting. Where applicable, the presiding officer shall announce that a recording is being made at the beginning of the meeting, and the recorder shall be placed in plain view of all persons present, insofar as possible.

APPENDIX A

VIRGIN ISLANDS BOARD OF EDUCATION CONFLICT OF INTEREST POLICY

(a) Statement of Purpose. This policy is to assure that the programs, operations and activities of the Board are conducted in a manner which merits continuous public trust and confidence and avoids actual or perceived conflicts of interest. This policy is applicable to all board members, officers, ex-officio members, employees and agents of VIBE, collectively referred to as “VIBE Representatives.” The conflicts of interest regulated by this policy include all situations in which a VIBE Representative has a personal financial interest in the decisions or actions of VIBE. All VIBE Representatives are expected to carry out their duties and responsibilities to VIBE without consideration of their individual financial interests and without deriving individual financial benefit from their actions. This policy shall be interpreted and applied in a manner which insures that all decisions and actions of the VIBE Representatives are motivated solely by a desire to promote the best interests of VIBE and its service to the community, and not by self-interest. This policy shall be construed as supplementary and not as a replacement for duties applicable to VIBE Representatives pursuant to 3 V. I. C. §1100 *et seq.*

(b) Guiding Principles for the Board and other VIBE Representatives. The Board agrees that in performing their duties, they will adhere to the following principles and shall require other VIBE Representatives in performing their duties to adhere to these principles.

(1) VIBE is to hire personnel and/or award contracts based on merit. No VIBE representative shall attempt to influence the hiring of VIBE employees or the awarding of consulting or other contracts based on personal considerations.

(2) Except as otherwise required by law or authorized by the Board, a VIBE representative shall not disclose to any unauthorized persons information or communications subject to confidentiality by action of the Board or other applicable law of policy, including privileged attorney/client communications.

(3) A Board Member or its employee shall not use the authority, title, influence, or prestige of his or her position, to solicit business for others or otherwise obtain a personal, financial, social, or political benefit, which in any manner would be inconsistent with the interest and mission of the Board; nor shall a Board Member disclose confidential information gained by the Board Member’s position for personal gain, benefit or to secure special privileges or exemption, for himself, herself or others.

(c) Fiduciary Responsibilities. The men and women who serve as VIBE Representatives are often qualified for their duties and responsibilities by their service to other organizations and institutions to which they also owe fiduciary responsibilities. In addition, all VIBE Representatives have individual interests, which may occasionally be affected by the decisions and actions of VIBE. Conflicts of interest should be regarded as normal occurrences for persons with wide ranging responsibilities. This policy is intended to provide for the orderly disclosure and regulations of such conflicts and to avoid any appearance that conflicting interests have influenced the decisions and actions of VIBE. Personal business interests and responsibilities to other organizations should not be an impediment to service as a VIBE Representative.

(d) Disclosure. VIBE representatives should disclose all conflicts of interest to the Board Chairperson and/or the VIBE Executive Director immediately as they occur, when they first become known and/or at regular intervals for continuing relationships which could be defined as conflicts of interest. Uncertainties as to whether information requires disclosure under this policy may be resolved by consultation with the Chairperson who shall then consult with the Board's legal counsel, if guidance is necessary. The VIBE Representative may in turn, consult with its own legal counsel, the Executive Committee or the Board members. Such disclosures may be made in confidence at the request of the disclosing party, and confidential information will not be disclosed by the Board to third parties except upon a determination, following consultation with the disclosing party, that compelling institutional reasons necessitate disclosures to third parties. Such disclosure will be made at the sole discretion of Board.

(e) Abstention. VIBE Representatives shall abstain from participating in decisions or actions or the consideration of decisions or actions in which they have a conflict of interest, and they shall not be present for the discussion or voting on any such matters unless expressly requested to provide information or interpretation. In the event that a conflict of interest is discovered after action has been taken on a matter by a VIBE Representative, the action shall be reconsidered by the acting body without the participation of the VIBE Representative having the conflict of interest.

(f) Gifts. VIBE Representatives should refrain from accepting personal gifts, benefits or services from third parties who transact business with VIBE and/or seek special favors from VIBE. This restriction shall not apply to gifts attributable mainly to personal relationships unrelated to VIBE, such as meals, refreshments and entertainment, gifts related to special events such as promotions, weddings,

birthdays and similar occasions, or to awards provided by civic, educational, professional or similar organizations, or token items which are not provided with the expectation of special favors. Any offers of gifts in excess of \$100 to VIBE Representatives by third parties seeking special benefits or privileges shall be reported to VIBE and should be returned to avoid a conflict of interest and/or embarrassment.

(g) Certification. Each VIBE representative shall be provided with a copy of this policy and shall certify to VIBE, at least annually, on a form to be provided by VIBE, that he or she has read the policy, and that he or she has disclosed on such form any conflict of interest or prohibited gift. Each Board Member shall execute the form at the beginning of his or her term of office.

APPENDIX B

VIRGIN ISLANDS BOARD OF EDUCATION CODE OF ETHICS

Having accepted the challenge of service on the Virgin Islands Board of Education (the "Board"), I accept the principles set forth in the following Code of Ethics to guide me in helping to provide free public education to all the children within the United States Virgin Islands.

- A. I shall view service on the Board as an opportunity to serve my community, district and Territory because I believe public education is the best means to promote the welfare of our people and to preserve our democratic way of life.
- B. I shall, at all times, think of children first and base my decisions on how they will affect children, their education, and their training regardless of ability, race, creed, ethnicity, sex, or social standing.
- C. I shall engage in professional, respectful and relevant discourse during board meetings which supports the effectiveness of the Board.
- D. I shall remember that as an individual I have no legal authority outside the meetings of the Board, and that I will conduct my relationship with the Board staff, the local community, and all media of communications on the basis of this fact.
- E. I shall recognize that my responsibility is not to operate the schools but to see that they are well operated.
- F. I shall endeavor to insure the Department of Education provides education for all children in the community commensurate with their needs and abilities.
- G. I shall listen to all stakeholders and will refer all complaints to the proper authorities.
- H. I shall support schools in the performance of their duties and shall report critical discrepancies to the Department of Education, through their chain of command, for further investigation and action, if necessary.
- I. I shall make decisions openly after all facts bearing on a question have been presented and discussed.
- J. I shall be comply with all guidelines regarding the privacy of students.
- K. I shall confine my Board action to policy making, planning, and oversight, leaving the administration of the schools to the Department of Education.
- L. I shall welcome and encourage cooperation and participation by teachers, administrators, and all other educational stakeholders in developing policies that affect their welfare and that of the children they serve.

- M. I shall not use my position as a Board member to benefit myself or any individual or agency apart from the total interest of the Board.
- N. I shall endeavor to attend all board meetings.
- O. I shall endeavor to bring about desired changes through legal and ethical procedures, recognizing at all times that the Board of which I am a member is an agency of the territorial government, and as such, I shall abide by the laws of the territory and the regulations formulated by and pertaining to the Virgin Islands Department of Education and the Board.
- P. I shall 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.
- Q. I shall become informed about current educational issues.
- R. I shall insure the Board is responsive to the community.

The preceding is hereby certified to be a true and correct copy of regulations adopted by the Virgin Islands Board of Education on June 28, 2019 pursuant to authority granted by 3 V.I.C. § 98(c).