

MEMBERSHIP

0141 **Number**

The Board of Education shall consist of five (5) members elected at large.

0141.1 **Student-Body Representative**

The Board may have one (1) non-voting representative(s) from the high school student body selected by the Student Council.

The Superintendent shall arrange for a place on the agenda at which time the student-body representative shall provide the Board with items of concern and/or interest to the student-body.

The Superintendent shall approve any such items to be presented to the Board.

The student-body representative shall be responsible for communicating Board questions or decisions pertaining to students.

0141.2 **Conflict of Interest**

A Board member shall not have any direct or indirect pecuniary interest in a contract with the District; nor shall s/he furnish directly any labor, equipment, or supplies to the District; nor shall s/he be employed by the Board in any capacity for compensation.

In the event a Board member is employed by a corporation or business which furnishes goods or services to the School District, the Board member shall declare his/her association with the organization and refrain from debating or voting upon the question of the contract. It is not the intent of this policy to prevent the District from contracting with corporations or businesses because a Board member is an employee of the firm. The policy is designed to prevent placing a Board member in a position where his/her interest in the public schools and his/her interest in his/her place of employment might conflict and to avoid appearances of conflict of interest even though such conflict may not exist.

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Among the conflicts which law specifically forbids:

- A. the prosecuting attorney or city attorney from serving on the Board of Education;
- B. a Board member from serving as the school dentist, physician, or nurse;
- C. a Board member from being employed for compensation by the Board;
- D. a Board member from having, directly or indirectly, any pecuniary interest in any contract with the Board;
- E. a Board member from accepting a reward, gift, or reduction in price for favoring, recommending, or advocating the introduction, adoption, or use in the school of a textbook, map, chart, or any other school supply;
- F. a Board member, for a period of one (1) year after leaving office, from accepting employment with the Board where such employment was authorized by the Board while s/he was a member thereof;
- G. a Board member from soliciting or using the authority or influence of his/her office to secure employment with the Board;
- H. a Board member from voting, deliberating, participating in discussions, or otherwise using the authority or influence of his/her office to create a position with the School District or to set the compensation for such position where s/he is considering, or is being considered for, employment in that position;
- I. a Board member from having interest in the contract for the purchase of property, supplies, or fire insurance by any county, township, municipal corporation, board of education, or public institution anywhere in the State of Ohio, if such contract exceeds \$150 unless the contract is let by competitive bidding;

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- J. a Board member from voting on a contract with that person as a teacher or instructor if s/he is related to that person as father, mother, brother, or sister.

Board members shall not accept any form of compensation from vendors that might influence their decision on the eventual purchase of equipment, supplies, or services. Furthermore, Board members shall not accept any form of compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from a vendor. In addition, Board members shall not enter into a contractual arrangement with a vendor seeking to do business with the District, or a vendor with whom the District is doing business, whereby an individual Board member receives compensation in any form for services rendered. Such compensation includes, but is not limited to, cash, check, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a Board member receives such compensation, the Board member shall immediately notify the Treasurer, in writing, that s/he received such compensation and shall thereafter promptly transmit such compensation to the Treasurer.

Nothing herein shall prevent a Board member who attends a conference held by an association of public officials and employees from accepting a meal, or attending a reception or open house, the cost of which is financed by a private party so long as the meal, reception, or open house is: (1) of an ordinary, routine character; (2) at an educational or informational event; and (3) open to all of the public officials and employees attending the event. See Ohio Ethics Commission Advisory Opinion No. 2002-02 (6/13/2002). A Board member is prohibited from improperly using his/her position to secure the donation of the cost of a meal, reception, or open house at a conference of an association of public officials and employees to which s/he or his/her Board belongs, while the Board member is simultaneously engaged in governmental business or regulatory activity directly affecting the related interests of the person solicited.

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A Board member whose spouse is an employee in the District may not vote, authorize, or use the influence of his/her office to secure approval of an employment contract with his/her spouse. Neither may s/he vote, deliberate, discuss, or otherwise attempt to influence a collectively-bargained, negotiated agreement affecting his/her spouse if the spouse is an officer, executive committee member, or member of the negotiating team or committee of the employee organization or if the agreement includes provisions for health insurance under which said Board member is covered as a benefit of the spouse's employment.

R.C. 102.03(D)(E)(F), 2921.42(A)(3), 2921.44(D-F),  
R.C. 2921.02, 3313.13, 3313.33, 3313.70, 3319.21

**0142           Qualifications**

Each member of the Board shall meet the qualifications specified by law and courts of competent authority. R.C. 3313.01, 3313.13

**0142.1       Oath**

Each member of the Board shall, before entering his/her duties of office, take an oath to support the Constitution of the United States and the Constitution of the State of Ohio and to perform faithfully the duties of his/her office. R.C. 3313.10

**0142.3       Orientation**

The Board of Education believes that the preparation of each Board member for the performance of Board duties is essential to the effectiveness of the Board's functioning. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the schools, and learn Board procedures. Accordingly, each new Board member, no later than his/her first regular meeting as a Board member, shall receive for use during his/her term on the Board:

- A. a copy of the Ohio Ethics Law as required by R.C. 102.09(D);
- B. a copy of the Board policy manual (may be online form).

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Each new Board member may be invited to meet with Superintendent/Treasurer to discuss Board functions, policies, and procedures.

New Board members shall be invited to attend all meetings of the Board until sworn in.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

R.C. 3315.15

0143      **Election**

Members of the Board shall be elected at large in accordance with law. R.C. 3313.01, 3313.02 (City), 3313.08 (City)

0144      **Term**

The term of each Board member shall be four (4) years and shall commence on the first day of January following the member's election. R.C. 3313.09

0145      **Filling a Board Vacancy**

A vacancy occurs on the Board when one (1) of the following events occurs:

- A. death
- B. nonresidence
- C. resignation
- D. failure of the person elected or appointed to qualify as an elector residence within the District within ten (10) days after the organization of the Board or of the appointment or election
- E. failure of the person elected or appointed to qualify due to acceptance of duties incompatible with those of a Board member

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- F. removal from the District
- G. absence from meetings of the Board for a period of ninety (90) days, if the absence is caused by reasons declared insufficient by a two-thirds (2/3's) vote of the remaining members of the Board and this vote was taken and entered into the record of the Board not less than thirty (30) days after the absence
- H. removal from office

Whenever a vacancy occurs, the Board shall fill the vacancy at its next regular or special meeting but not earlier than ten (10) days after the vacancy occurs.

The Board shall take the following steps to fill the vacancy:

- A. The Board shall seek qualified and interested candidates from the community through the news media, word of mouth, and contacts with appropriate organizations.
- B. All applicants are to submit a notice of their interest, in writing, to the Superintendent/Treasurer.

Appointment by the Board to fill a vacancy shall be by majority vote of the remaining members of the Board.

If the Board fails to appoint a member to its Board within thirty (30) days after the vacancy occurs, the probate court of the county, upon being advised of the failure to fill the vacancy shall act as the Board and perform the duties imposed upon the Board.

The newly-appointed Board member selected to fill a vacancy shall serve the shorter of the following periods:

- A. until completion of the unexpired term, or
- B. until the first day of January immediately following the next regular Board of Education election taking place more than ninety (90) days after a person is selected to fill the vacancy. At that election, a special election to fill the vacancy will be held. However, no such special election shall be held if the unexpired term ends on or before the first day of January immediately following that regular Board election.

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Whenever there is a need to have a special Board election to fulfill an unexpired term, the Board shall give written notice to the Board of Elections. The term of a member elected at such a special election shall begin the first day of January immediately following the special Board election and shall be for the balance of the unexpired term.

R.C. 3.07, 3313.11, 3313.85

0146      **Resignation or Removal**

Whenever a member shall cease to be a bona fide resident of the District, his/her membership shall cease immediately.

The removal of a member who resigns shall become effective upon the presentation of the resignation to the Board duly convened or upon the effective date specified in the resignation, whichever is later.

Any member who fails to attend meetings of the Board for a period of ninety (90) days for reasons determined to be insufficient on the affirmative vote of two-thirds (2/3's) of the remaining members of the Board, and this vote is taken and entered into the record of the Board no less than thirty (30) days after the period of absence shall no longer be a member and his/her office shall be vacant. R.C. 3313.11

A member may be removed for misconduct in office in accordance with law. R.C. 3.07 et seq.

0147      **Compensation**

Members shall be compensated for meetings in an amount determined by the Board, not to exceed the maximum allowable compensation permitted by law. ~~Each Board member shall be compensated in any one (1) year for a maximum of fifteen (15) meetings.~~

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Additionally, members shall receive compensation for attendance at training programs in an amount equal to the maximum per day rate permitted by law for programs that are three (3) hours or less, or not to exceed the maximum per day rate permitted by law for programs that are longer than three (3) hours.

Should the Board provide for an increase in the amount of compensation Board members may receive for the upcoming year by resolution, only newly elected and re-elected members will be eligible to receive the increase effective with the first day of their new or subsequent term. Current members will continue to be paid at the rate in effect prior to the passage of the resolution and will only receive the increased compensation, if re-elected, effective with the first day of their subsequent term.

R.C. 3313.12, 3313.202(D)

Expenses of a Board member incurred in the performance of his/her duties and expenses of a member-elect in training and orientation will be paid from the Board Service Fund, provided that each such member or member-elect submits a written statement of his/her expenses. R.C. 3315.15

A Board member may request coverage for himself/herself and/or family in the District's group health care plan. The Board member must pay all premiums for the coverage and must exercise this option in writing, announced at a regular meeting and recorded in the minutes. This does not constitute "pecuniary interest" in any contract. R.C. 3313.12, 3313.202.

Within thirty (30) days after a Board member initially takes office, s/he must elect whether to become a member of the School Employees Retirement System ("SERS") in accordance with R.C. 3309.012 and A.C. 3309-1. The election shall be irrevocable while the Board member continuously holds office. If the Board member does not elect membership in the SERS, s/he shall forever be barred from claiming or purchasing membership rights or credit for the particular period of holding office for which the election and notice was required.



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The Board member shall notify the Treasurer whether or not s/he wishes to participate. If the Board member elects membership in the SERS, the Treasurer shall file proper notice of the person's election with the SERS Board. Any Board member failing to make a selection shall be considered to have elected not to become a member of the SERS for the particular period for which election was required.

The following guidelines have been established by the Board of Education to facilitate appropriate and proper reimbursement of expenses for Board members. Such expenses will be paid from the Board Service Fund. However, under no circumstances will Board members be reimbursed for the purchase of alcoholic beverages.

Expenses will be reimbursed only for activities authorized by the Board.

Reimbursement for mileage, only to attend conferences, will not exceed the current rate permitted by law.

When attending a Board-approved conference, all fees, parking, mileage, meals, and housing may be submitted for payment.

No entertainment expenses are reimbursable.

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**Public Expressions of Members**

The Board President functions as the official spokesperson for the Board.

From time-to-time, however, individual Board members make public statements on school matters to local media and/or to local or State officials.

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Board members should, when writing or speaking on school matters to the media, legislators, and other officials, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

- A. This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:
  - 1. Correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter.
  - 2. Routine, not for publication, correspondence of the Superintendent and other Board employees.
  - 3. "Campaign articles" or "position papers" of candidates for elections to the Board.
  - 4. Routine "thank you" letters of the President of the Board.
  - 5. Statements by Board members on nonschool matters (providing the statements do not identify the author as a member of the Board).
  - 6. Personal statements not intended for publication.
  - 7. Postelection statements by Board members thanking citizens for voting for them.
- B. Copies of this bylaw shall be sent to local media by the Board President.

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0140/page 11 of 120148.1 **Board-Staff Communications**

The Board of Education desires to maintain open channels of communication between itself and the staff. The basic line of communication, will, however, be through the Superintendent.

A. Staff Communications to the Board

Communications from staff members to the Board or its committees shall be submitted through the Superintendent. The Superintendent shall forward such communications received from staff members to the Board. This procedure is not intended to deny any staff member his/her constitutional right of free speech or the right to appeal to or otherwise address the Board on important matters through established procedures.

B. Board Communications to Staff

All official communications, policies, and directives of the Board of staff interest and concern to the staff will generally be communicated through the Superintendent, who shall also keep staff members informed of the Board's concerns and actions.

C. Social Interaction

Both staff and Board members share an interest in the schools and in education generally, and it is to be expected that when they interact at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the District. However, since individual Board members are not authorized to act on behalf of the Board unless in open public session or when specifically vested with such authority, it will be considered to be unacceptable conduct for Board members to discuss individual personalities, personnel grievances, or other complaints with members of the staff. Instead, staff members should be encouraged to utilize the procedures, established in Board Policy or the collective bargaining agreement to have their concerns, complaints, or grievances addressed.

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0148.2      **Visits to Schools by Board Members**

Individual Board members who are interested in visiting schools or classrooms on an unofficial basis shall make the appropriate arrangements with the principal. In keeping with Board bylaws, such Board member visits shall not be considered to be official unless designated as such by the Board.

The Board member shall be visiting as an interested individual in a similar capacity to any parent or citizen of the community. These visits should not be considered to be inspections not as supervisory in nature.

If, during a visit to a school or program, a Board member observes a situation or condition which causes concern, s/he should discuss the situation first with the principal as soon as convenient or appropriate. Such a report or discussion shall not be considered an official one from the School Board.

If the Board member believes the situation or condition serious enough, s/he may wish to also inform the Superintendent.

0149      **Access to Records**

Individual members of the Board do not possess the powers that reside in the Board of Education but no member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

Access to District personnel and student records shall be subject to the Board policy and applicable State and Federal law.

Information obtained from employee personnel records by members of the Board shall be used only for the purpose of aiding the members to fulfill their legal responsibilities in making decisions on such matters as appointments, assignments, promotions, demotions, remuneration, discipline and dismissal, or to aid the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.