

BYLAWS OF THE VIRGINIA BOARD OF EDUCATION

Adopted June 22, 2000
Amended October 19, 2000
Amended October 22, 2001
Amended September 22, 2004
Amended February 25, 2016
Amended October 20, 2022
Proposed Amendments as of August 28, 2024

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

ARTICLE ONE: PURPOSE

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

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

ARTICLE TWO: OFFICERS

Section 1. President. The President of the Board shall be elected by a majority of the Board members. The President shall be elected from the Board membership for a term of two years. The President may serve successive terms. The election of the President shall be by a recorded vote.

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

Section 2. Vice President. The Vice President of the Board shall be elected by a majority of the Board members. The Vice President shall be elected from the Board membership for a term of two years. The Vice President may serve successive terms. The election of the Vice President shall be by a recorded vote.

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

Section 3. Secretary. In accordance with § 22.1-23 of the *Code of Virginia*, the Superintendent of Public Instruction shall serve as Secretary of the Board and shall perform such other duties as the Board may

prescribe. The Secretary shall attend all meetings of the Board and record all votes and the proceedings of the meetings and the Office of Board Relations shall perform like duties for any standing committees. The Secretary shall give notice of all meetings of the Board in accordance with § 2.2-3707 of the *Code of Virginia*, and shall perform such other duties as may from time to time be prescribed by the Board or the President, under whose supervision the Secretary shall act.

Section 4. Other Officers. Additional officers, in the discretion of the Board, may be elected from time to time to perform such duties and undertake functions designated by the Board. Such additional officers shall be elected by a majority of the Board members.

Section 5. Election of Officers. The term of office for officers shall end upon the end of a member's appointment or resignation from the Board. Following the conclusion of the term of any officer approved by the Board, 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. The election of officers shall be held at the last regularly scheduled meeting of the fiscal year; if such meeting fails for lack of a quorum, the elections shall be held at the next meeting of the Board. Newly elected officers shall assume office on July 1, except officers elected to fill a vacancy. Any officer elected to fill a vacant office shall hold office for the remainder of the original term of the office. Such partial term shall not be counted in the successive terms for which a member is eligible to serve as an officer.

ARTICLE THREE: MEETINGS

Section 1. Regular Meetings. Prior to January of the applicable calendar year, the Board shall adopt a tentative schedule for regular meetings for the calendar year. Such schedule shall note the term of office for the Boards' officers and when any elections will occur. Such schedule shall be subject to the change, alteration, or adjustment by the President of the Board as the President deems appropriate to accommodate the operation of the Board.

Section 2. Special Meetings. The President, at the President's sole discretion, may call a special meeting of Board members. Five or more members of the Board may also call a special meeting by sending a written request to the President, the Secretary, and the Director of Board Relations.

Section 3. Standing Committee Meetings. The President or the Chair of the standing committee may call a meeting of a Board's standing committee.

Section 4. Attendance at Meetings. Board members are expected to attend all regular meetings, special meetings, emergency, and standing committee meetings for which they are a member. Any Board member unable to attend a meeting shall promptly notify the President, the Secretary, and the Director of Board Relations.

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

Section 6. Continued Meetings. Any duly called meeting of the Board may be recessed to a later time

and place, determined by the Board members present, regardless of whether such members constitute a quorum for transaction of business, provided that such time and place are announced at the meeting.

Section 7. Voting Proxies. At meetings of the Board, all members present shall be entitled to exercise voting rights on all matters. Members not present at a meeting shall not be entitled to vote, except as provided in by state law and the Board’s policies regarding remote participation.

Section 8. Notices of Meetings. Written notice stating the date, time, and location of any regular meeting of the Board shall be given to each Board member not less than seven calendar days before the date of the meeting by or at the direction of the President, or the Secretary, or the persons calling the meeting. Notice of special, emergency, or continued meetings will be given to each Board members as soon as practicable. A notice shall be deemed duly given to a Board member when it is: (1) adopted by the Board as part of its tentative regular meeting schedule and is not subsequently changed or altered in accordance with Article Three, Section 1, or (2) when it is sent via e-mail, fax, or postal mail to the address on record for the Board member.

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

Section 10. Personal Interest. Board members shall read and familiarize themselves with the provisions of the State and Local Government Conflict of Interests Act (§2.2-3100 et seq. of the *Code of Virginia*), and comply with its directives regarding disclosure, participation, or recusal.

ARTICLE FOUR: CLOSED MEETINGS

The Board may decide to go into a closed meeting at any of its meetings in accordance with the laws of the Commonwealth of Virginia.

ARTICLE FIVE: ACTIONS OF THE BOARD

All actions adopted by the Board shall be signed by the President and shall remain in effect until they expire by their own terms, or are repealed, amended, or otherwise suspended by subsequent action. The Secretary shall maintain an appropriate record of all Board actions in effect and make such record available to the Board and the public upon request.

ARTICLE SIX: AGENDA FOR MEETINGS

The Board will have a published agenda for all public meetings.

The Superintendent of Public Instruction will create a draft agenda. Final decision on the placement of items and final approval of the draft agenda will be made by the President.

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

ARTICLE SEVEN: CONSENT AGENDA/BOARD REVIEW PROCEDURES

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

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

Section 3. Board Material. The materials for each item requiring Board action must be provided to all members not less than seven calendar days before the meeting in which first review has been scheduled. The Board may waive this requirement for advance receipt of materials only by unanimous vote of the Board members present.

The proposed agenda, as well as materials for voting items, shall be provided to the public at least seven calendar days prior to the meeting, except for items for which the Board has waived the requirement of advance receipt.

ARTICLE EIGHT: COMMITTEES

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

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

Section 2. Advisory Committees. Advisory committees may be created by the Board for special purposes, including federal and state-mandated committees. Personnel of the Department of Education may be appointed to the committee as members or as consultants. Unless otherwise prescribed by state or federal law or regulations, all appointments to an advisory committee shall be made by the Board upon the recommendations of the Superintendent of Public Instruction.

Each committee shall be instructed as follows:

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

5. The responsibilities for the release of information.

The Board possesses legal powers and prerogatives that cannot be delegated or surrendered to others; therefore, all recommendations of an advisory committee must be submitted to the Board for action. The Board may dissolve a committee at any time and a committee shall be deemed dissolved if it has conducted no business for 12 consecutive months, unless the advisory committee is required by laws or regulations. The President, at the President's discretion, may reconstitute a committee that has been dissolved.

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

ARTICLE NINE: PUBLIC PARTICIPATION

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

The Board will provide an opportunity for members of the public to address the Board at its meetings, as appropriate, during the public comment portion of the meeting.

At its regular meetings, members of the public may address the Board during the public comment portion of the meeting on any matter related to public education which includes the actions of the Board. During the public comment portion of any committee that the Board deems appropriate or any advisory committee of the Board, the Board requests that members of the public only address the committee on matters on the committee's published agenda and any matters added to the agenda during the meeting by the committee.

Requests to address the Board or one of its committees during the public comment portion of the meeting should be submitted to the Department of Education in advance of the meeting, but may be submitted the day of the meeting, to be honored at the discretion of the person presiding at such meeting. The request shall include the name of the speaker, the subject to be discussed, and the speaker's county, city, or town of residence. In honoring such requests, the Board will limit such comments to three minutes for each speaker at the discretion of the person presiding at such meeting.

The person presiding at such meeting may extend the public comment portion of the meeting, allocate the time available for public comment, adjust the order of speakers, or take other reasonable measures to ensure that the Board hears multiple views on any matter presented to the Board.

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

ARTICLE TEN: BOARD OPERATIONS

Section 1. Contracts. The President and Secretary of the Board shall sign all contracts and agreements entered into by the Board unless the Board delegates to a specific person other than these two officers.

Section 2. Compensation and Expenses. Members of the Board may receive a per diem, or portion

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

ARTICLE ELEVEN: AMENDMENTS

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

ARTICLE TWELVE: MISCELLANEOUS

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

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

Section 3. Construction. A word used in the singular includes the plural and a word used in the plural includes the singular, as the context may require.

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

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

ARTICLE THIRTEEN: OPERATIONS OF COMMITTEES OF THE BOARD

Section 1. Purpose. For any advisory committee established under Article Eight, the Board shall specify the purpose of the advisory committee, any specific studies or assignments requested of the advisory committee, and shall specify the extent and limitations of the committee's responsibilities. Such purpose shall be in accordance with the Board of Education bylaws and any applicable laws or regulations.

Advisory committees shall act within the scope of authority specified by the Board. All advisory committee members acknowledge, by virtue of their service on the advisory committee, that their authority with respect to work of the advisory committee is limited to the matters assigned to it by the Board and by applicable laws and regulations. The advisory committee shall report back to the Board on its findings and recommendations of those topics and issues identified by the Board for its review within the timeframe requested by the Board.

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

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

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

Section 3. Membership. The Board shall determine the number of members to serve on an advisory committee and shall appoint the members of the committee, as specified in Article Eight, Section 2, of these bylaws, except as otherwise required by law or regulations. Nominations for all vacant positions will be solicited as widely as practicable and on forms provided by the Virginia Department of Education.

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

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

Section 4. Term of Service. Appointments to an advisory committee shall be for a term of three years. Members of an advisory committee may be re-appointed, with no member serving more than two consecutive three-year terms. Any vacancies shall be filled by the Board.

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

Section 6. Meetings. All meetings of an advisory committee shall be held in a location and in a facility that is accessible to the public, as provided by the Freedom of Information Act. The Department of Education shall give notice of all meetings of the Board's advisory committees in accordance with the *Code of Virginia*.

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

The vote of a majority of the advisory committee members present at any meeting at which a quorum is

present shall be the act of the advisory committee. Each member of an advisory committee shall be entitled to one vote with respect to any matter voted on by the advisory committee. Members not present at a meeting shall not be entitled to vote.

Advisory committee members shall read and familiarize themselves with the provisions of the State and Local Government Conflict of Interests Act, and comply with its directives regarding disclosure, participation, or recusal.

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

Adopted in the Minutes of the Virginia Board of Education:

June 22, 2000

Amended October 19, 2000

Amended October 22, 2001

Amended September 22, 2004

Amended February 25, 2016, Dr. Billy K. Cannaday, Jr., President

Amended October 20, 2022, Daniel A. Gecker, President