

<p><b>PRESTON COUNTY BOARD OF EDUCATION</b>  <b>FILE: 1 – SCHOOL BOARD BYLAWS AND ORGANIZATION</b>  <b>File: 1-4 Authority of Board Members</b></p>	<p><b>Last Reviewed: 8-9-10</b>  <b>Next Review: 7-1-12</b></p>
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Local school boards possess no inherent powers of any kind. Such powers as they possess are conferred upon them by the state. In interpreting the laws, the courts have confirmed that boards of education may exercise the following powers:

- ❖ Those expressly granted by statute;
- ❖ Those that may be fairly implied in the powers expressly granted, and;
- ❖ Those essential to the accomplishment of the purposes for which the school district was created.

These powers are delegated to the Board as a body. Board members shall have authority only when acting as a Board officially in session or when the Board specifically delegates a temporary assignment to an individual member. The Board shall not be bound by any statement or action by any individual board member except when the statement or action is pursuant to specific instruction or policies of the Board.

The Board is primarily a policy-making body; therefore, it shall concern itself primarily with broad questions of policy rather than with the administrative details. The application of policy is an administrative task to be performed by the Superintendent and staff, which shall be held responsible for the effective administration and supervision of the entire school system.

Delegating administrative functions makes the Board responsible for evaluating the effectiveness of the execution of Board policies. Evaluation by the Board requires a continuous appraisal of the results of its educational policies, as well as the effectiveness of the general administration.  
(WV Con Art XII, Sections 1.2 and WVC §18-2-1 and §18-5-5)

**Board Powers and Duties**

The Preston County Board of Education, functioning within the framework of laws, court decisions, Attorney General's opinions and similar mandates from the state and national levels of government, fulfills its mission as the governing body of a school district by:

- ❖ Selecting a competent Superintendent and supporting him/her in the discharge of his/her duties;
- ❖ Enacting policies by which the school system shall be governed;
- ❖ Approving the budget, financial reports, audits, expenditures, payment of obligations;
- ❖ Considering recommendations for capital outlay, adopting plans for such improvement, and determining the sources of finance;
- ❖ Estimating and seeking to provide funds for the operation, support, maintenance, improvement and extension of the school system;

- ❖ To control and manage all of the schools and school interests for all school activities and upon all school property, whether owned or leased by the county, including:
  - Requiring schools to keep records regarding funds connected with the school or school interests, including all receipts and disbursements of all funds collected or received by:
    - Any principal, teacher, student or other person in connection with the schools and school interests;
    - Any program, activity or other endeavor of any nature operated or conducted by or in the name of the school; and
    - Any organization or body directly connected with the school.
  - Allowing schools to expend funds for student, parent, teacher and community recognition programs. A school may use only funds it generates through a fund-raising or donation-soliciting activity. Prior to commencing the activity, the school shall:
    - Publicize the activity as intended for this purpose; and
    - Designate the funds generated for this purpose.
  - Auditing the records and conserving the funds, including securing surety bonds by expending Board moneys. The funds described in this subsection are quasipublic funds, because the moneys were received for the benefit of the school system as a result of curricular or non-curricular activities.
- ❖ Establish:
  - Schools, from preschool through high school;
  - Vocational schools; and
  - Schools and programs for post-high school instruction, subject to approval of the State Board.
- ❖ Close any school which is unnecessary and assign the students to other schools. The closing shall occur pursuant to official action of the Board. Except in emergency situations when the timing and manner of notification are subject to approval by the state superintendent, the Board shall notify the affected teachers and service personnel of the Board's action not later than the first Monday in April. The Board shall provide notice in the same manner as set forth in section four of this article.
- ❖ To consolidate schools;
- ❖ Close any elementary school whose average daily attendance falls below 20 students for two consecutive months. The Board may assign the students to other schools in the district or to schools in adjoining districts. If the teachers in the closed school are not transferred or reassigned to other schools, they shall receive one month's salary.
- ❖ Provide transportation according to rules established by the county board, as follows:
  - To provide at public expense adequate means of transportation:

- For all children of school age who live more than two miles distance from school by the nearest available road;
  - For school children participating in county board-approved curricular and extracurricular activities;
  - Across county lines for students transferred from one district to another by mutual agreement of both county boards; and
  - Within available revenues, for students within two miles distance of the school.
- To provide transportation for participants in projects operated, financed, sponsored or approved by the Bureau of Senior Services. This transportation shall be provided at no cost to the county board. All costs and expenses incident in any way to this transportation shall be borne by the Bureau or the local or county affiliate of the Bureau;
- ❖ To provide at public expense appropriate insurance;
  - ❖ Employ teacher aides; to provide in-service training for the aides pursuant to rules established by the State Board; and, prior to assignment, to provide a four-clock-hour program of training for a service person assigned duties as a teacher aide in an exceptional children program. The four-clock-hour program shall consist of training in areas specifically related to the education of exceptional children;
  - ❖ To employ legal counsel;
  - ❖ To provide appropriate uniforms for school service personnel;
  - ❖ Adopting textbooks and instructional materials for each subject and grade.
  - ❖ To provide at public expense the reimbursement of traveling expenses;
  - ❖ To allow or disallow employees to use publicly provided carriage to travel from their residences to their work place and return;
  - ❖ Provide at public expense adequate public liability insurance, including professional liability insurance, for county board employees;
  - ❖ Enter into cooperative agreements with other county boards to provide improvements to the instructional needs of each district.
  - ❖ Any other power prescribed by law.

**(WVC § 18-2-5; §18-2A-1; §18-2A-2; §18-2A-3; §18-5-1 through §18-5-39 and SBP 2445.40)**

[Home](#)

Adopted: January 24, 1983  
Amended/Revised: August 9, 2010