

# **SCHOOL BOARD GOVERNANCE AND OPERATIONS**

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**SCHOOL BOARD LEGAL STATUS**

The Constitution of Michigan places the responsibility of establishing and maintaining public schools on the Michigan Legislature and directs the Legislature to provide for a State Board of Education which has general supervision of the public schools. The Michigan Constitution further provides that local public schools under the general supervision of the State Board of Education shall be maintained, developed and operated by locally elected Boards.

Legally, then, local school boards are instruments of the Michigan Legislature and derive their authority from the Michigan Constitution, the Michigan Statutes and the regulations of the State Board of Education.

**Board Membership****1. Number of Members:**

The Board shall consist of seven (7) members elected from the district-at-large.

**2. Term of Office:**

Members shall be elected at the regular Annual School Election for a term of four (4) years and until their successors are elected and qualified. Their terms shall begin on July 1 following their election.

**3. Qualification:**

To be a candidate for the Board of Education, a person must be a resident and a qualified elector of the school district.

LEGAL REF:           General School Laws, 380.201, 380.211, 380.216  
                          Michigan Constitution, Article 8

**SCHOOL BOARD POWERS AND DUTIES****Power of the Board**

The Board shall act as the agent of the people of the State of Michigan in matters of education in the school district. It shall be responsible for carrying out certain mandatory laws, and shall consider, accept or reject the provisions of the permissive laws. In all cases where statutes do not specifically provide or prohibit, the Board shall consider itself the agent of the people in planning, executing and appraising the total school program and shall make decisions which it feels are most beneficial to the pupils and employees of the district and citizens of the community.

The Board shall observe and enforce the rules and regulations of the Michigan Department of Education affecting the operation and maintenance of schools in a general powers district.

The Board of Education is responsible to the people endeavors to adequately administer the needs of education in the district according to their will. In order to function as efficiently as possible, control shall be centralized so that there may be accountability and coordination of effort and decisions.

The Board shall act as a legislative body and shall appraise the work and program of the school.

The Board of Education has only such legal powers as are delegated to it by the Constitution and Statutes of the State of Michigan.

**Fundamental Purpose**

The underlying purpose of the actions and functions of the Board of Education shall be to create and keep in operation an educational system of the highest quality for the benefit of the pupils and people of the school district, with economy and prudence.

Special interest of groups or individuals shall not be of any consideration in the decisions of the Board, where such interest in any conflict or could in the foreseeable future conflict with the proper educational development of the students of the system.

**Function of the Board**

The Board considers that its most important legal functions fall into the following categories:

**1. Legislative or Policymaking:**

The Board is responsible for the development of policy and for the employment of a Superintendent who will carry out its policy through the development and the implementation of regulations.

**2. Educational Planning and Appraisal:**

The Board is responsible for acquiring and requiring reliable information from responsible sources which will enable it to make the best possible decisions about the scope and nature of the educational program. The Board is responsible for requiring appraisal of the results of the educational program.

**3. Staffing and Appraisal:**

The Board is responsible for employing a chief executive officer (Superintendent of Schools) and the staff necessary for carrying out the instructional program; establishing salaries, salary schedules and other terms and conditions of employment; and establishing personnel policies which are district wide in application. The Board is responsible for appraising the effectiveness of its staff by providing for regular evaluation.

**4. Financial Resources:**

The Board is responsible for adopting a budget that will provide the financial basis for buildings, staff, materials and equipment which will enable the district to carry out the educational program. The Board is responsible for exercising control over the finances of the district to assure proper use of, and accounting for, all district funds.

**5. School Facilities:**

The Board is responsible for determining school housing needs, for communicating these needs to the community, for purchasing sites, and approving building plans that will support and enhance the educational program.

**6. Communication with the Public:**

The Board is responsible for providing adequate and direct means for keeping the local citizenry informed about the schools and for keeping itself informed about the wishes of the public.

**7. Judicial:**

The Board is responsible for acting as a court of appeal for school staff members, students and the public when issues involve Board policies and their fair implementation.

The Board may exercise the above legal powers and duties only when convened in a legally constituted meeting.

LEGAL REF: Michigan Constitution, Article 8-3  
General School Laws 380.1201-380.1347  
General School Laws 380.201-260

**INDIVIDUAL SCHOOL BOARD MEMBER**  
**AUTHORITY AND RESPONSIBILITY**

The Board of Education shall transact all business at legally called meetings of the Board. No member, including the President of the Board of Education, shall have the power to act in the name of the Board outside Board meetings unless specifically designated to do so by official action of the Board or Board policy. In addition, no Board member, by virtue of his office, shall exercise any administrative responsibility with respect to the schools or as an individual command the services of any school employee.

As to school district operation, such as access to records, etc., individual Board members have the same but not greater rights than may be granted to the general citizenry.

The Board, as a matter of policy, shall make its members, the district staff and the public aware that only the Board as a whole, not its individual members, has the right to take official action for the school district.

LEGAL REF: Michigan Compiled Laws, 15.261-15.275  
Public Act 267 of the Public Acts of 1976  
(Open Meetings Law)  
Attorney General's Opinion #5286

**SCHOOL DISTRICT ELECTIONS****Chief Election Officer**

The Secretary of the Board shall serve as the Chief Election Officer of the district. The Board may deputize a member of the administration to supervise elections and other school personnel to assist in conducting elections.

Such duties shall include the posting and publishing of all official notices relative to the election; providing and issuing absentee ballots as prescribed by law; and arranging for official ballots and/or use of voting machines, direction to election inspectors and the general supervision of the election.

**Regular Election**

As required by law, the Board of Education shall be composed of seven members, who shall be elected annually on the second Monday in June as prescribed by law. The person or persons receiving the greatest number of votes shall be declared elected.

**Nominating Petition**

To secure the printing of the name of a candidate on the ballot, the candidate shall file nominating petitions with the Secretary of the Board or the Board of Education office not later than the ninth Monday preceding the date of the election. Petitions shall be signed by not less than 1% of the total number of votes received by the candidate(s) for members of the Board of Education at the last election, but not less than 20. Petitions shall specify the term of office for which the person is a candidate.

**Qualified Elector**

A qualified elector is one who has been a citizen of the State of Michigan for a period of six months; has resided in the district for a minimum period of thirty days, and is registered to vote in school elections.

LEGAL REF: General School Laws, 380.211, 380.217, 380.218  
380.1008, 380.1058, 380.1059, 380.1066, 380.152,  
380.154, 380.155, 380.1007, and 380.1067

**BOARD MEMBER ACCEPTANCE AND OATH OF OFFICE**

Within five (5) days after election, each member shall be notified of his/her election and within ten (10) days after notification or appointment to the Board, each person so elected or appointed shall file with the Secretary of the Board an acceptance of the office to which he/she has been elected or appointed. The acceptance shall be accompanied by a written affidavit setting forth the fact of eligibility as required by law. Each person so elected or appointed shall subscribe to the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this state, and that I will faithfully discharge the duties of the office of member of the Board of Education, according to the best of my ability.

LEGAL REF: General School Law 380.2212

**BOARD MEMBER RESIGNATION**

The Board believes that a citizen who files for and seeks election to the Board of Education does so with the full knowledge and appreciation of the investment of time expected of all Board members and, barring unforeseen circumstances, does so with the intention of serving his/her full term.

The Board, therefore, expects that those persons who find it necessary to resign from the Board will give notice to the Board as far in advance as possible.

The resignation may be submitted in advance, setting the date the resignation will become effective.

All resignations are effective on the date indicated and no official acceptance or action by the Board is necessary. If no date is specified, the resignation shall be effective immediately.

LEGAL REF: General School Laws, 380.1103  
Attorney General's Opinion No. 5299

**VACANCIES ON BOARD AND REMOVAL FROM OFFICE****Vacancies on the Board**

If less than a majority of the offices of the Board become vacant, the remaining members of the Board, by majority vote, shall within twenty (20) days from the effective date of the resignation or other happening which shall cause a vacancy to exist, appoint a legally qualified person to fill the vacancy(s).

If more than a majority of the offices of the Board become vacant, the remaining members of the Board shall immediately call a special election to fill the vacancy(s). Such elected person(s) shall file acceptance of the appointment with the Secretary of the Board and shall take the oath of office as prescribed by law. Said member(s) shall serve until the next succeeding election, at which time the electors of the district will fill the vacancy for the unexpired portion of the term.

Resignations are effective without acceptance or approval by the Board.

The following procedures may be used in filling vacancies:

1. The President of the Board shall, through public announcement in the news media and school publications, make known that the vacancy has occurred and that those persons interested in being considered for appointment to fill the vacancy should notify in writing the Secretary of the Board.
2. The Board shall review and screen applications to determine which candidates should be further considered.
3. Those candidates screened for further consideration shall be interviewed in public session by the Board.
4. The Board shall, by roll call vote, determine which candidate shall be appointed to fill the vacancy.
5. At its option, the Board may appoint a committee to screen applicants and/or interview candidates and make recommendations to the Board.
6. The Board may appoint former Board member(s).

**Removal From Office**

The Board of Education may, upon a two-thirds vote of the Board and for cause, remove from office an officer of the Board.

Justification for such removal may include, but not be limited to, the following:

1. Failure to attend meetings.
2. Neglect to perform the functions of the office as specified in the School Code or as determined by the Board.

3. Assuming authority not prescribed by law or delegated by the Board of Education.
4. Breaching the confidence of the Board by disclosing confidential information, discussions at closed meetings, or other such matters.
5. Failure to abide by the "Code of Ethical Behavior for Board Members" as adopted by the Board.

LEGAL REF:    General School Laws, 380.114, 380.1102, 380.1103, 380.1104  
                  Michigan Compiled Laws, 15.2611.275  
                  (Open Meetings Act)

**SCHOOL BOARD CODE OF ETHICS**

The Board of Education of the school district adopts the "Code of Ethical Relationships for Board of Education Members and Educational Administrators" as developed and adopted by the Michigan Association of School Boards and the Michigan Congress of School Administrators Association.

The Board further subscribes to the guidelines entitled, "Operational Principles and Procedures, Board of Education Administration Relationships" recommended by the two associations for implementing the above Code.

Copies of the Code and the implementing guidelines will be located in the Superintendent's Office.

Note: Code adopted by Board of Education April 6, 1977

**FINANCIAL CONFLICT OF INTEREST**

Elected and appointed officials as well as employees of the district shall perform their official duties in a manner free from any possible criticism of prejudice or self interest. To this end:

1. Every effort shall be made to avoid the possibility of a claim being made that an individual participated in reaching a decision on a matter in which he/she had either a direct or an indirect interest of a substantial nature.
2. A person should consider the possibility of personal interest in any matter coming before him/her, or the body of which he/she is a member, when he/she has some financial interest in the matter to be decided or when a member of his/her immediate family, a company in which he/she has an interest or in which a business associate has such an interest or is one of the parties seeking the decision.
3. When a member of the Board of Education determines that a potential personal interest conflict exists as described in Section 15.321- 15.330 of the Michigan Compiled Laws, he/she should disclose that interest prior to the matter being considered; such disclosure shall become a matter of record in the minutes and the member shall thereafter abstain from participation in both the discussion of the matter or the vote thereon. When deemed appropriate, the Board member shall consider temporarily excusing him/herself from the discussion table.
4. All matters in which there is a disclosed conflict of interest by a Board member shall be approved by two-thirds (2/3) vote of the Board members elected to and serving on the Board without the abstaining member.
5. No purchases of supplies, equipment, or services shall be made from those companies wherein the members of the Board work or hold a proprietary interest unless the member has indicated his interest in writing in the company(s), except when such a company is a public utility or the like which alone provides the service.

Neither shall the Board employ an individual in a position that would place him/her in an assignment subordinate to a member of his/her immediate family as described above.

**Nepotism**

No member of the immediate family of any member of the Board or the superintendent shall be employed in any continuing capacity by the Board, except when employed on a temporary basis of less than 90 days, or of school age, or to sponsor or coach an extracurricular activity.

No employee shall supervise, hire, discipline, or evaluate an immediate family member. Immediate family shall be defined as parent, spouse, sibling, child, in-laws of the same degree, or other person living in the same household.

**OFFICERS OF THE BOARD**

The Board shall elect a President, a Vice President, a Secretary and a Treasurer. Their qualifications and duties shall be as follows:

1. President The President shall be selected by and from the membership of the Board. He/she shall preside at all meetings of the Board and in general shall perform such duties as may be designated from time to time by law or by the Board. Specific duties, which may be delegated, shall include:
  - A. Call special meetings of the district
  - B. Sign legal instruments of the district when provided by law or when authorized by the Board
  - C. Appoint various Board members to serve on various committees of the Board unless otherwise provided by the Board
  - D. Appoint official delegates to conventions and conferences unless otherwise provided by the Board
  - E. Officially represent the Board at meetings of municipal bodies or quasi-municipal bodies.
  - F. Represent the Board upon request at meetings of local organizations.
  - G. Act as spokesperson for the Board on official matters.
  - H. See that the policies and procedures of the Board and provisions of state law are faithfully executed.
  - I. Have the right, as other members of the Board, discuss resolutions or motions and vote thereon.
  - J. Appoint a temporary Secretary in the absence of the Secretary, who shall sign the minutes of the meeting.
  - K. Act as chairperson of special district hearings or meetings.
2. Vice President – The Vice President shall be selected by and from the membership of the Board. He/she shall perform the duties and exercise the powers of the President during the absence or disability of the President and shall have such other duties as the Board may delegate.
3. Secretary – The Secretary shall be selected from the membership of the Board. The Secretary shall:

- A. Attend all meetings of the Board and preserve true minutes of the proceedings of all such meetings.
- B. Give all notices required by law, the by-laws, or by the resolution of the Board, which duties may be delegated in whole or in part to one or more employees of the school district.
- C. Be the custodian of the records of the Board, except as such responsibility may be assigned by the Board to one or more employees of the district.
- D. Be the custodian of the seal of the district and cause it to be affixed to such documents as shall be authorized by the Board, provided however, that the absence of the seal from any document shall not affect the validity thereof unless the Board shall expressly otherwise provide.
- E. Be the chief elections officer of the school district with authority to delegate election duties to a member of the administrative staff.
- F. In general, perform all duties incident to the office of Secretary and such other duties as may be from time to time assigned by the President or by the Board of Directors.

An acting Secretary shall be appointed by the President in case of the temporary absence or disability of the secretary.

- 4. Treasurer – The Treasurer shall be selected by the Board, but need not be a member thereof. The Treasurer of the Board shall keep the funds of the school district, except as the Board shall place the responsibility for the administration of school district money with the school district acting business manager. The Treasurer, the Superintendent or the business manager, as the case may be, shall:
  - A. Keep proper books of account.
  - B. Keep an account of interest received from invested school funds, and credit interest received to the appropriate fund accounts.
  - C. Pay out funds for the purposes specified by law, or in the case of gifts or donations for the purposes for which the money is given or donated, on proper order signed by the Secretary and countersigned by the President of the Board.
  - D. In general, perform all duties incident to the office of Treasurer and such other duties as may be from time to time assigned by the President or by the Board.

5. Election and Term

The Board of Education shall elect during the month of July a president, vice-president, secretary, and treasurer. The term of each officer shall be for a period of one year. In case an office becomes vacant, the newly elected officer shall serve for the remainder of the year. Board members may not serve in any one position as an officer of the Board of Education for more than two consecutive years. The

terms of office of all members of the Board of Education shall commence on July 1 and continue until their successors are elected and qualified.

6. Removal

An officer may be removed as an officer of the Board and a new officer selected in his/her stead whenever in the judgment of the Board the best interests of the district would be served thereby. Not less than ten (10 ) days notice of the intention of the Board shall be given such officer .

Justification for removal may include but not be limited to the following:

- A. Failure to attend meetings.
- B. Neglect to perform the functions of the office as specified in the school code or as determined by the Board.
- C. Assuming authority not prescribed by law or delegated by the Board .
- D. Breaching the confidence of the Board by disclosing confidential information, discussion at closed meetings, or other such matters.
- E. Failure to abide by the Code of Ethical Behavior for Board members as adopted by the Board.

7. Vacancies

If an office shall become vacant, it should be filled by the Board until the next Annual School Election within thirty (30) days of such vacancy.

8. Compensation

No officer, except the Secretary and Treasurer, shall receive any compensation for services rendered to the district as an officer.

LEGAL REF:    General School Laws 380.231, 380.241, 380.242 and 380.243

**BOARD COMMITTEES**

The Board of Education shall have the following standing committees: Facilities, Finance, Curriculum, and Personnel. All other committees that might be developed would be ad hoc and appointed by the Board President.

The purpose, composition, and term of a committee shall be specified at the time of its establishment. No committee, except a committee of the whole, shall include more than three (3) members of the Board, nor shall it exercise or perform any governmental or proprietary function. Except as the Board shall otherwise direct, the recommendations of each committee shall be submitted to the Board in writing.

The President is authorized to appoint all committees unless otherwise specified by the Board. The superintendent or his/her designee shall be an ex officio member of all Board committees, but shall not have the right to vote.

Board committees shall:

1. Generally consist of three Board members or less.
2. Have their tasks specifically defined by the Board.
3. Have designated timelines for reporting to the Board.
4. Have no power or authority to act on behalf of the Board unless specifically authorized by the Board.
5. Hold hearings, if such is appropriate, only upon approval of the Board.
6. Limit their activities and consideration to policy matters and recommendations and shall have no administrative responsibility or authority unless specifically authorized by the Board.

The Superintendent shall be apprised of all committee findings. Such committee findings shall at all times include the Superintendent's recommendations, as well as reflect the opinions of all committee members in the event the findings are less than unanimous.

Because four (4) Board members represent a quorum, members not assigned to a committee shall be prohibited from attending committee meetings unless specifically authorized by the Board. In such cases, the committee meeting shall be officially posted as an open meeting.

LEGAL REF: Michigan Compiled Laws 15.263  
Attorney General's Opinion No. 5183 and No. 5183A

**LEGAL COUNSEL**

Due to the complexity of school business and the need for expert legal opinions to determine a course of action, avoid legal entanglements and comply with state regulations and laws, a law firm shall be retained by the Board of Education.

A representative of the legal firm shall be present at regular or special meetings of the Board only when the Board or Superintendent anticipates that legal advice will be needed and requests such presence.

The Board may, by its action, request legal opinions from its legal counsel and in so doing shall indicate by vote of the Board whether or not a written opinion is requested. The Superintendent shall assume the responsibility of forwarding the question to the legal counsel and, if a written opinion is requested, distribute copies of the opinion to all Board members.

In his/her capacity as chief executive officer of the Board, the Superintendent may find it necessary to consult the legal counsel on routine and administrative matters. In such case, no official report to the Board shall be required. However, on those matters which are of major importance and concern of the Board, information to the Board shall be provided by the Superintendent.

Legal counsel shall be responsible to periodically provide progress reports to the Board on legal matters referred and shall prepare all questions to be placed on the ballot for regular or special elections.

Only the Superintendent or Board President shall have the authority to contact the legal counsel on legal matters concerning the school district, except when the Board specifically acts to authorize another member or employee to do so. The Superintendent may delegate a member of the administrative staff to act in his/her behalf if circumstances deem it advisable. The Board shall assume no financial responsibility for obligations to the Board's legal counsel incurred by unauthorized personnel and legal counsel shall be so informed.

The Board's legal counsel shall not provide at Board expense personal legal assistance to individual Board members, the Superintendent or members of the staff unless specifically authorized by the Board.

LEGAL REF: General School Laws, 380.1253

**DUTIES OF THE AUDITOR**

The Board of Education shall employ a certified public accountant.

The duties of the independent auditor shall be as follows;

1. To conduct an audit, annually, or more often, of the financial funds of the district and any or all funds for which the Board of Education is directly or indirectly accountable.
2. To conduct such examination in accordance with generally accepted auditing standards and to include such tests of the accounting records and such other auditing procedures as are necessary in the circumstances.
3. To render a written opinion of the financial statements prepared at the close of the fiscal year.
4. To prepare such financial statements for publication as may be required by law.
5. To make such recommendations in writing to the Board, concerning its accounting records, procedures, and related activities as may appear necessary or desirable.
6. To perform such other related services as may be requested by the Board.

LEGAL REF: Michigan Compiled Laws, 388.1413

CROSS REF: File DIE (Annual Audit)

**CONSULTANTS TO THE BOARD**

From time to time the Board may deem it advisable to employ consultants in specific areas to provide counsel for the Board and/or administrators, carry on specific studies, evaluations or surveys, or assist the Board in other matters.

The employment of consultants will require approval of the Board and before making any commitment the Board shall require the submission of a written proposal which can be incorporated into a written contract or purchase order. The proposal will detail:

1. The specific objectives to be accomplished by the consultant.
2. The specific tasks to be performed.
3. The procedures to be used in carrying out the tasks.
4. The target dates for completion of the task.
5. The method used to report results to the Board and/or to deliver the material contracted for to the Board.

Consultants shall assume no administrative authority and shall work through the Superintendent of Schools. The Superintendent will establish procedures necessary to effect an efficient working relationship between the consultants and the Board and/or staff members. The final report of all consultants shall be in writing and shall be presented to the Board at a regular or a special meeting of the Board.

**BOARD MEETING RULES AND PROCEDURES****1. Conduct of Meeting**

The board may conduct any business permitted by law and not prohibited by these bylaws at any regular business meeting. In the event that all business on the agenda is not completed by 11:00 p.m., the meeting shall continue as long as a quorum remains in attendance; a vote of a majority of members elected or appointed and serving on the Board will be required in order to pass a motion, so long as a quorum remains in attendance.

In the absence of the president, the vice-president shall act a president. In the absence of both president and vice-president, the secretary will preside. In the absence of the president, vice president, and secretary, the treasurer will preside.

All meetings shall be conducted in accordance with Roberts Rules of Order, Revised, except as modified by law or these bylaws, or when adherence would violate the constitutional rights of a member of the Board.

**2. The regular monthly meetings of the Board shall be held in an accessible room of a public building within the school district, as scheduled by the Board at their reorganizational meeting, unless the Board designates otherwise.**

Public notices of the schedule of regular meetings shall be given once for each calendar or fiscal year, and shall show the regular dates and times for meetings and the place at which meetings are held. Public notice must also be given of each special meeting or scheduled regular or special meeting. The notice must be given by posting a copy of a calendar year basis, at the principal office of the Board or at the place where meetings are to be held, or by publishing the notice once in a newspaper of general circulation in the political subdivision where the meeting will be held. Posting of the schedule or the newspaper announcement must occur at least three days prior to the time of the first regularly scheduled meeting in the case of regular meetings and at least 12 hours prior to the time of a special or rescheduled meeting. The Board must supply on request from any area news media copies of the public notice.

The members of the Board shall meet during the month of July to hold an organizational meeting. The members of the Board shall organize the Board by electing in order a president, a vice-president, a secretary, and a treasurer. The first order of business will be the election of the president of the Board of Education. Upon the election of the president, the president will chair the remainder of the meeting.

A. The organizational meeting shall be temporarily chaired by the prior year's president if he/she is still a member of the Board. If not, or if the prior year's president is absent from the meeting, the following shall be the order of succession for chairing the meeting:

- (1) Prior year's vice-president
- (2) Prior year's secretary
- (3) Prior year's treasurer
- (4) In the absence of all prior year's officers, the Board member with greatest seniority in years of service.

**B. Order of Business for Organizational Meetings:**

- (1) Call to Order
- (2) Roll Call
- (3) Election of Officers:
  - (a) President (who then presides)
  - (b) Vice President
  - (c) Secretary
  - (d) Treasurer
- (4) Designation of authorized signatures for various accounts
- (5) Designation of depository for school funds
- (6) Determination of dates, time and location of regular meetings
- (7) Setting of remuneration for Board members
- (8) Designation of the Board's liaison representative to Michigan Association of School Boards
- (9) Appointment of legal counsel
- (10) Publication of official notices
- (11) Such other items of annual business as the President may wish
- (12) Public Comments
- (13) Adjournment

**C. Order of Business for Regular Meetings:**

- (1) Call to Order and Roll Call
- (2) Awards and Commendations
- (3) Approval of Minutes
- (4) Items Received Too Late for Printed Agenda
- (5) Public Comments
- (6) Written Communications
- (7) Financial Reports
- (8) Reports
- (9) Action Items
- (10) Discussion Items
- (11) Committee Reports
- (12) Information Items
- (13) New Business
- (14) Public Comments
- (15) Adjournment

The order of the agenda may be modified by a majority vote of the Board or at the President's discretion.

D. Special Meetings: Special meetings of the Board may be called by the President or any two members of the Board by serving on the other members a written notice of the date, time, and place of the special meeting. A special meeting may be adjourned from time to time but not beyond the next regular meeting of

the Board. The Board may conduct only such business as set forth in the notice of such meeting, except by unanimous consent of the members elected to and serving on the Board.

**E. Closed Sessions:**

The Board may meet in closed session only for purposes according to the Open Meetings Act.

- (1) To consider the dismissal, suspension or discipline of a member, employee or individual agent, or to hear complaints or charges brought against such a person, when the named person requests a closed hearing.
- (2) To consider the dismissal, suspension or discipline of a student when the student or his/her parent/guardian requests a closed hearing.
- (3) For strategy and negotiation session connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
- (4) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- (5) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the Board.
- (6) To review the specific content of an application for employment or appointment to public office when the candidate requests that the application remain confidential. However, all interviews by the Board for employment or appointment to public office shall be held in an open meeting.
- (7) To consider material exempt from discussion or disclosure by state or federal statute.

Except for the purposes identified in items 1, 2 and 3, a motion to go into closed session must be supported by two-thirds of the members elected to and serving on the Board. The specific purpose(s) for the closed session shall be entered in the minutes of the meeting at which the vote is taken.

The closed session shall be recorded in separate minutes which shall not be a matter of public record except as provided in P.A. 267 of the Public Acts of 1976. The minutes shall include the time, date and place of the meeting; members present or absent; the purpose(s) for which the closed session has been called; a brief summary of the discussion and an indication that only matters for which the meeting was called were discussed.

No vote shall be taken during closed session on matters considered in closed session. Any action taken on such matters shall be taken in a public meeting and recorded in the minutes of that meeting.

As a matter of practice, the Board shall convene in open session prior to adjourning to closed

At the President's discretion, the closed session will be held following the last public participation item on the agenda.

F. Emergency Meetings: The Board may meet in emergency session in the event of a severe and imminent threat to the health, safety or welfare of the public when two-thirds of the members elected to and serving on the Board decide that delay would be detrimental to efforts to lessen or respond to the threat.

G. Work Sessions:

Work sessions of the Board may be called by the President. Work sessions shall be open to the public and properly posted as official meetings of the Board. No action shall be taken in such sessions except when written notice is given to all members that action may be taken upon a given issue or if all Board members are present and the decision is unanimous. These work sessions should be held within the district, except in extraordinary circumstances.

H. Adjourned Meetings:

Any regular or special meeting of the Board may be adjourned (or recessed) to another time and place by the President of the Board, but only items on the agenda of that meeting may be acted upon at the rescheduled session. No meeting may be adjourned beyond the date of the next scheduled regular meeting.

### 3. Procedures for Meetings

Every public meeting of the Board shall be open to the public and no person shall be excluded therefrom, except that this provision shall not prevent the Board from taking such action as may be reasonably necessary to maintain proper decorum. The Board may hold closed sessions for such purposes and in the manner provided by law.

A. Notice of Public Meetings:

A notice of all public meetings of the Board shall be given to the public and to the members of the Board as follows:

- (1) Regular Meetings. A public notice of the schedule of regular meetings for the fiscal year shall be posted on the bulletin board located in the main hall of the Administration Offices, that being the principal office of the school district in the manner and time provided by law. No notice to Board members other than delivery of the agenda is necessary for regular meetings.
- (2) Other Meetings and Work Sessions: A public notice of rescheduled regular meetings or of special meetings shall be posted on the bulletin board located in the main hall of the Administration Building and, in addition, a notice of such meeting together with an agenda shall be given to each Board member at least twenty-four (24) hours before such meeting.

Notice shall be deemed to have been given if the notice and agenda has been personally delivered to an adult member of the household of a Board member or deposited in a government mail receptacle in a sealed envelope, plainly addressed to such member at his/her last known address, at least seventy-two (72) hours before such meeting is to

take place.

The Superintendent shall assume the responsibility of posting all public meeting notices and of mailing notices to subscribers of such service or to news media requesting such service.

Notice of any meeting may be waived by a Board member. Attendance at any meeting by a Board member shall constitute a waiver unless such member shall attend for the limited purpose of objecting to the meeting.

Action may be taken by the Board if all members elected to and serving on the Board are present, provided that public notice as required by law has been properly given.

**B. Agenda:**

The agenda for all regular meetings of the Board shall be prepared by the Superintendent and distributed to all members of the Board at least three days prior to the meeting. The agenda shall be accompanied by a listing of bills and the unapproved minutes of regular meetings, minutes of special meetings which are available, (at the option of the individual Board member), Superintendent's recommendations and other material pertinent to items on the agenda or which may be useful to the members.

The Board shall not be expected to take actions on requested or recommended items unless adequate data or back-up information has been provided to assist in reaching sound and objective decisions consistent with established goals. Board members shall be expected to study the information provided and contact the Superintendent prior to the meeting to request any explanation needed to assist in understanding the issues and/or to assist in their decision making responsibilities.

Board members may request that items be placed on the agenda. Such requests may be in the hands of the Superintendent or President of the Board at least four work days prior to the regular or special meeting. The Board President and Superintendent shall determine whether or not the matter is appropriate for that meeting and whether or not time permits sufficient background information to be provided on which to base a decision. In the event an item is submitted too late to be placed on the action portion of the agenda, it will be placed on the agenda for discussion only.

District citizens may request that an item be placed on the agenda, provided the request is made at least one week prior to the scheduled meeting. The Superintendent and Board President shall determine whether or not the item is appropriate to be considered an agenda item, and whether or not it should be placed on that agenda or a later one. Citizens requesting that an item be placed on the agenda should do so in writing and provide any background information which will assist the Board in making a decision.

**C. Additions to the Agenda:**

Additional items to the agenda may be approved by a majority of the members elected to and serving on the Board. Items for action should be considered only in cases of emergency in which a delay of action could be detrimental to the school district, its students or its employees, and for which sufficient background information is available on which to base a decision.

Matters that come before the Board as a result of the Public Comment portion of the meeting, which are not on the prepared agenda, will be heard, taken under advisement, and placed on the agenda at a future meeting, if appropriate, for Board action. The Board will not take action or vote on matters which it has not had the opportunity to consider and/or investigate.

**D. Quorum:**

A majority of the members on the Board shall constitute a quorum (must be four (4)) for the transaction of business. If a quorum is not present, a majority of those present may adjourn the meeting from time to time until a quorum is present.

**E. Voting:**

No act shall be valid unless approved by at least four members of the Board, except as otherwise expressly provided by law or by these bylaws. A proper record shall be made of the vote. A roll call vote shall be taken and recorded as follows:

- (1) Upon the approval or modification of the budget.
- (2) Upon the authorization of an expenditure in excess of \$1,000.
- (3) Upon the removal of an officer of the Board, or an administrator.
- (4) Upon the request of any two members of the Board.
- (5) Failure to record a vote as herein provided shall not affect the validity of the action taken by the Board.

All voting shall be done openly and in such manner that those present at the meeting may know how each member voted. Except when a motion or resolution is approved by an unanimous vote of those present, the minutes shall show the record of the vote in such a manner as to indicate how each member voted.

**F. Minutes:**

Minutes of the open and closed sessions of the Board shall be prepared by the Secretary in the form and time required by law. The proposed minutes shall be signed by the Secretary. Copies of the proposed minutes shall be furnished to each member of the Board prior to the meeting at which they are to be approved. The official minutes shall be maintained in an official minute book in the administration building and may not be removed from the building.

The proposed minutes of the Board shall be available to citizens for inspection at the principal administrative office of the district during normal business hours. Copies of the minutes shall be available upon request at a cost to cover the expense of duplication as set by the Board.

The minutes shall include the date, time, place, members present, members absent, all decisions made at open meetings and the purpose(s) for which closed sessions are called, the details of all motions made, all roll call votes and a reference to reports presented, a record of those speaking at the public comment session and the topic on which they spoke, and items discussed when no action was taken.

Corrections in the minutes may be made at the meeting at which they are approved. The Board President shall declare the minutes approved as presented unless objections are raised or corrections made.

G. Public Participation at Board Meetings:

The following procedures shall apply to any person requesting that items be placed on the agenda:

- (1) The request must be made to the school Superintendent at least seven days in advance of the scheduled Board meeting, except in emergency situations. The request should include a brief statement regarding the subject matter to be brought before the Board for consideration. The request should be in writing.
- (2) The person making the request will be notified by the Superintendent that he/she is scheduled to appear at a scheduled Board meeting and when.
- (3) The Superintendent will notify the person of his/her position on the agenda. Due to the press of other business, the President may limit the time allowed. Unless the matter is of a critical or urgent nature, it is the Board's policy to fully discuss the matter at a future meeting or refer it to the administrative staff for study and recommendation before taking action.

Copies of the agenda shall be provided for visitors at meetings of the Board. Two public comment periods shall be provided at each meeting of the Board. The first public comment portion of the meeting shall be limited to one half hour, but such limits may not be applied in a manner which denies a person the right to address the Board. The second period shall be provided after the agenda has been completed.

A person desiring to speak during the public comment portion of the meeting shall be recognized by the President, and prior to speaking shall indicate his/her name, address and the issue upon which he/she desires to comment.

Each speaker shall be allowed to speak once and shall be limited to five minutes unless an extension is approved by a majority of the Board, except that any limitation imposed at the second period shall be at the discretion of the President.

If the number of speakers desiring to be heard is so extensive that the half hour time limit for the public comment portion of the meeting would be inadequate, the President may shorten the time limit allowed each, but the limit shall not be less than three minutes. The Board by majority vote may extend the public comment portion of the meeting.

If a delegation is present to discuss an agenda item, a single spokesperson should be designated to make the presentation for the group.

Complaints or attacks about a Board member or employee which would constitute an unwarranted invasion of privacy or which are unrelated to the way in which a member or employee performs his/her duties shall not be permitted in public session unless so requested by the individual about whom the complaint is registered.

The President shall judge the appropriateness of such complaints to be aired publicly. If it is judged that a complaint is not appropriate for public discussion, the President shall judge whether it justifies Board consideration at a future open or closed session of the Board as requested by the individual complained against. If the complaint is to be considered later, the complainant shall be asked to reduce it to writing and present it to the Superintendent for proper investigation.

Board members may have the privilege of questioning speakers, but shall not be obligated to answer questions or make statements or commitments on issues brought by the public. At the discretion of the President, a person in the audience may be recognized to speak to a specific agenda item.

In general, proposals or issues which might need Board attention, brought up by the public during the public comment portion of the meeting, shall be referred to the Superintendent for investigation or consideration as future agenda items.

LEGAL REF: Michigan Compiled Laws 15.261-15.275;  
General School Laws 380.231, 380.1201 and 380.1202;  
Attorney General's Opinions 5183, 5262, 5332, 5412,  
5445, 5614, 5716 and 5714.

**NEWS MEDIA SERVICE AT BOARD MEETINGS**

The Board believes that one of the paramount responsibilities of the Board of Education is to keep the public informed of its problems, deliberations, policies, and actions. Therefore, the Board encourages the attendance of press representatives at all meetings excepting closed sessions.

1. A copy of the agenda and agenda materials will be sent in advance to all members of the working press who request it. Additionally, all reports approved by the Board shall be considered matters of official record and shall also be made available to the press. However, reports-in-progress on which the Board has taken no final action shall be released only upon the Board's authority, as "tentative" reports.
2. In order that the Board may transact its business with dispatch, questions from the press will not be entertained while meetings are in progress. However, a representative of the Board will be available after each meeting to answer reporters' questions and to clarify points of discussion and action.
3. When individual Board members receive requests from news media representatives for information about Board meetings, members shall refer the information seekers to the Board President or Superintendent, who shall be the spokesperson for the Board except as he/she specifically delegates this responsibility to others.

In the event that representatives of the news media are unable to attend a meeting, they shall be provided upon request with a summary of important Board action.

**POLICY DEVELOPMENT SYSTEM—BOARD POLICIES**

In order to clarify the position of the Board of Education, promote consistency of action, and provide guidelines for the discretionary action of persons acting on behalf of the District, the Board shall from time to time adopt written policies.

Written Board policies will be developed and periodically revised by action reflecting the points of view of the Board, the school administration, the school staff, and the public.

The Board recognizes that the superintendent of schools, because of his/her knowledge of school district operation and needs, and his/her leadership position in the school district, plays a major role in the development and revision of board policies. The superintendent does this through recommendation to the Board on policy needs and changes; keeping the Board informed as to how its policies are working and reporting to the board legislative changes, court decisions, and Attorney General's opinions which might affect board policy.

Board policies shall be conveniently coded and arranged in a policy manual. The Board adopts the policy development codification and dissemination system of the National School Boards Association (EPS/NSBA).

Rules to implement board policy shall be similarly coded.

**POLICY DRAFT WRITERS**

The Superintendent (or his/her designee) shall be responsible for preparing preliminary drafts of policies for further Board deliberation and action after: (1) recognition of a need for a specific policy by the Board and/or Superintendent; and (2) action by the Board, which denotes a policy decision.

Prior to drafting a preliminary policy for Board consideration, the Superintendent shall endeavor to get input from the Board and various concerned groups as identified by the Board and/or Superintendent.

**POLICY ADOPTION AND AMENDMENT****1. Adoption and Amendment**

The making and adoption of policies shall be preceded by careful examination of facts and reasons which will shape and form them, and on information drawn from the administrative staff and such other competent and capable sources as may be available to the Board of Education. Input shall be sought from all groups affected by a given policy while in the formulation stage and prior to adoption.

Policies of the Board of Education shall be subject to adoption, amendment, or rescission after a first vote at an official meeting and a second vote at a subsequent official meeting provided that the proposed policy, amendment, or rescission is an agenda item for said meetings and has been described in writing and distributed to all members of the Board in advance of the meeting according to policies of the Board. At least seven days shall elapse between first and second votes.

New policies or amendments to policy shall be compatible with existing policy. If conflicts occur, existing policy shall be rescinded or revised in order that the conflict be resolved.

**2. Title and Code**

Each proposed policy shall be coded and titled as to its subject in conformance with the codification system. Insofar as possible, each policy shall be limited to a single subject.

**3. Insertion in Minutes and Manual**

Policies and amendments adopted by the Board shall be attached to and made a part of the minutes of the meeting at which they are adopted and shall be included in the policy manuals of the district.

**4. Effective Date**

Policy and amendments to policies shall be effective immediately upon adoption unless a specific effective date is provided in the adopted resolution.

**5. Implementation of Policy**

The Superintendent shall be responsible to see that all policies of the Board are properly and effectively implemented. He/she shall develop and disseminate administrative rules necessary for implementation.

**6. Compliance with Law and Philosophy**

Every effort shall be made to see that policies conform to state and federal law. Effort shall also be made to have the spirit of the Board's philosophy prevail in both the policies adopted by the Board and their implementation.

**BOARD REVIEW OF ADMINISTRATIVE REGULATIONS**

The Board need not formally approve administrative rules and regulations except in those instances in which the Superintendent or legal counsel believes such formal adoption shall be necessary or desirable in case of potential litigation or where it is felt that strong public attitudes or possible student or staff reaction deem it advisable. Regulations approved by the Board shall be so noted.

The Superintendent, however, shall keep the Board informed of regulations developed to implement its policies and shall periodically present them for review. The Board, however, shall only veto administrative rules if in the judgment of the Board they are inconsistent with Board policies.

Regulations may be issued directly by the Superintendent without adoption of policy.

Before issuance, regulations shall be properly titled and coded to conform with the codification system adopted by the Board. All regulations issued to implement Board policies shall be made a part of the policy manual and copies shall be provided to all holders of such manuals.

**POLICY DISSEMINATION**

The Superintendent is directed to establish and maintain an orderly plan for preserving, updating, and making accessible the policies adopted by the Board and the administrative rules and regulations needed to implement them.

Accessibility shall be to all Board members, and to employees of the district and general public on request.

All policy manuals shall remain the property of the school district and shall be considered on loan to any person or organization in whose possession they might be at any given time. The Superintendent or his/her designee shall assume the responsibility of continuously maintaining the policy manuals and shall provide an annual audit of all books to ascertain whether or not they are up-to-date.

**SUSPENSION OF POLICIES AND BYLAWS**

The policies and/or bylaws of the Board of Education shall be subject to suspension only upon approval by a two-thirds affirmative vote of the members elected to and serving on the Board, at an official meeting for which the proposed suspension has been described in writing at least three days prior to the meeting, or upon a unanimous vote of all the members of the Board when no such written notice has been given.

**BOARD/STAFF COMMUNICATION**

It is the desire of the Board to maintain open communications between itself and its staff. In all cases, however, the basic line of communication shall be through the Superintendent of Schools.

Staff communication to the Superintendent shall be through the building principal.

Staff Communication or reports to the Board or any Board committee shall be submitted through the Superintendent.

All official communications from the Board to staff members shall be communicated through the Superintendent.

Appeals to the Board from administrative decisions on important issues may be made through the grievance procedures as stated in the various collective bargaining agreements. If the issue is not one which is subject to the grievance procedure, appeal may be made provided that the Superintendent is first notified of the forthcoming appeal, and the appeal is processed in accordance with the Board's policy on complaints and grievances.

In order to adequately and fully present certain programs, proposals or problems to the Board, employees may be invited, or they may request, to appear before the Board.

In all such instances, such employees shall review the subject of their presentation with their immediate supervisor and the Superintendent. This will permit the Superintendent time to ascertain other information such as:

1. Can this request be met within the present budget or will other financing be required?
2. Will this request interfere with other school or community programs?
3. Should other resource persons be consulted and what are their inputs, etc.?

Before a school employee is scheduled to appear before the Board, the Board President or his/her designee shall determine whether the employee has discussed the matter with his/her supervisor and the Superintendent and followed the channels provided by Board policies, administrative rules, handbooks, contracts, etc., or has attempted to do so and not been successful.

Nothing stated herein prohibits Board members and staff members from informally discussing school matters at chance meetings, at social affairs, and other functions. However, Board members and staff are reminded that Board members have no special authority except when they are convened in a legal meeting of the Board or vested with special authority by Board action. Therefore, discussions by Board members or staff of personalities or personal grievances, will be considered as evidence of unethical conduct.

**BOARD MEMBER VISITS TO SCHOOLS**

Individual Board members who are interested in visiting schools or classrooms shall make necessary arrangements with the building principal. These visits shall not be considered to be in official Board member capacity, as inspections, nor as supervisory or administrative in nature, but shall be regarded as informal expressions of interest in the school. Board members must be aware that as individuals on such visits they are in a similar capacity to any parent or citizen of the community.

**NEW BOARD MEMBER ORIENTATION**

The magnitude and complexity of Board member responsibilities calls for knowledge of and orientation to many areas of information and understanding. Therefore, incumbent Board members and staff shall help new Board members become fully informed about the Board's functions, policies, procedures and problems.

Specific phases of Board member orientation may include the following:

1. Those candidates who are running for office shall be assisted to become more knowledgeable of Board operations by:
  - A. Notifying them of and encouraging them to attend Board meetings during their candidacy.
  - B. Encouraging them to attend county or area meetings for candidate orientation.
  - C. Distributing to them the candidate booklet published by the Michigan Association of School Boards, particularly calling their attention to the Michigan Campaign Finance Law.
  - D. Arranging meetings for candidates with Board members and administrative staff to acquaint them with School Board policies and operations.
2. Those elected or appointed shall be urged to attend all meetings and functions of the Board during the interim between their election and assumption of office and shall receive all notices, agendas, agenda information, reports and communications sent to all Board Members.
3. In the interim between election or appointment and assumption of office, the new members shall be furnished with selected materials dealing with information about the school district, state education laws and regulations and Board policies and regulations. Such materials shall include but not be limited to:
  - A. Board Policy Manual
  - B. District Annual Report
  - C. Board Meeting minutes of the preceding year
  - D. Latest Financial and audit reports of the district
  - E. The School District's operating budget
  - F. Copies of current employee contracts
4. A schedule of appointments with selected personnel shall be arranged by the Superintendent, at the request of the Board member, in order to afford the new member opportunity to discuss specific functions and concerns at different levels of operation.
5. At the request of the Board member, a tour of the school buildings and/or other special facilities may be arranged.
6. The new member shall be encouraged to attend orientation workshops sponsored by MASB and the county association, if such are held.

**SCHOOL BOARD CONFERENCES, CONVENTIONS,  
AND WORKSHOPS**

Attendance at meetings directly or indirectly related to education or school matters shall be encouraged for the values they have to the school system and the professional growth of Board members.

The Superintendent shall notify Board members of all relevant scheduled meetings.

**BOARD MEMBER COMPENSATION AND EXPENSES**

Compensation

Members of the Board of Education shall receive compensation as follows:

President.....	High School Yearbook
Vice-President .....	High School Yearbook
Secretary.....	High School Yearbook
Treasurer .....	High School Yearbook
Trustees .....	High School Yearbook

Expenses

Members of the Board of Education, when their duties require them to represent the Board outside the school district, shall be reimbursed at the prevailing mileage rate for travel in their personal automobiles. Expenses shall be paid in full to members of the Board of Education whose attendance at local, state, and/or national conferences has been approved by the Board.

**SCHOOL BOARD MEMBERSHIPS**

The Board shall annually consider maintaining membership in the Michigan Association of School Boards. Through membership in MASB the Board is an indirect member of the National School Boards Association. The Board and its members shall be encouraged to actively participate in the activities of these organizations.

The Board has authorized membership in the MASB Legal Trust Fund and shall annually consider continued membership in said fund.

If recommended by the Superintendent and approved by the Board, the Board may maintain memberships in other educational associations or organizations through which the district may derive benefits.

Dues and membership fees to local, state and national educational organizations shall be budgeted for and provided by the Board. Materials and other benefits of institutional memberships will be distributed and used to the best advantage of the district.