



BOARD OF EDUCATION BYLAWS

STANDISH-STERLING COMMUNITY SCHOOL DISTRICT

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Article I – District Authority

A) District Name — The official name of the school district shall be Standish-Sterling Community Schools, Arenac, Bay, and Gladwin Counties, and the district shall operate as a general powers school district.

B) District Authority — The Board, on behalf of the electors of the District, hereby retains and reserves unto itself, without limitation, all powers, rights, authority, duties and responsibilities conferred upon and vested in it by the laws of the Constitution of the State of Michigan and the United States. It is further recognized that the exercise of said powers, rights, authority, duties and responsibilities by the Board, the adoption of policies, rules, regulations and practices in furtherance thereof, and the use of judgment and discretion in connection therewith shall be limited only by the specific and express terms of the law or any other legally binding and enforceable Agreement and then only to the extent such specific and express terms hereof are in conformance with the Constitution and laws of the State of Michigan and the United States.

It is the intent of the Board to establish direction and general and long-range operational procedures for the care and custody, establishment, maintenance, management and carrying on of the public schools and property of the district as authorized under current law.

Whenever the word "Superintendent" or "Principal" appears in these policies and rules, the words "or designated representative" shall be assumed to follow. The delegation of authority of administrative action does not relieve the Superintendent of the responsibility for the actions of such designated representatives.

Updated December 13, 2010

LEGAL REF: MCL 380.11 *et seq.*

C) District Legal Status — The legal basis for the Standish-Sterling Community School District is vested in the will of the people as expressed in the Michigan Constitution, the statutes pertaining to education, various court interpretations and the powers implied by the above.

LEGAL REF: MCL 380.11 *et seq.*

D) District Organization Plan — The district is organized on a PreK-I2 plan with Sterling Elementary housing grades PreK and K, Standish-Sterling Central Elementary housing grades 1 through 6, and Standish Sterling Central Jr/Sr High School housing grades 7 through 12.

The Board may find it necessary to periodically change the organization plan in order to operate the district more economically or to make more efficient use of available funds or facilities.

Updated January 8, 2018

LEGAL REF: MCL 380.11 *et seq.*, 380.128

Article II – General Information

A) Powers and Duties — The Board shall observe and enforce the rules and regulations of the Michigan Department of Education affecting the operation and maintenance of a general powers school district.

The Board of a general powers school district shall make reasonable bylaws, policies, and regulations relative to anything necessary for the proper establishment, maintenance, management and carrying on of the public schools of the district. This includes policies and regulations relative to the conduct of students while in attendance at school or enroute to and from school.

The Board has expressed, implied and incidental powers as provided for in the Revised School Code and by the Constitution and Statutes of the State of Michigan.

B) Functions of the Board — The following is a general statement of the responsibilities of the Board. These functions are managerial in nature and may be delegated to staff members in order to provide for the efficient and effective operation of the district. The Board considers the following categories to represent its most important functions:

1. **Legislative or Policy Making:** The Board is responsible for the development of bylaws and policy, and for the employment of a Superintendent who shall carry out the Board policies through the development and implementation of regulations.
2. **Educational Planning and Appraisal:** The Board is responsible for acquiring and requiring reliable information from responsible sources that shall enable it to make the best possible decisions about the scope and nature of the educational program. The Board is responsible for requiring appraisals of the results of the educational program.
3. **Staffing and Appraisal:** The Board is responsible for employing a Superintendent of Schools and the staff necessary for carrying out the instructional program, for establishing salaries and salary schedules and other terms and conditions of employment, and for establishing personnel policies that are district-wide in application. The Board is responsible for appraising the effectiveness of its staff by providing for their regular and impartial evaluation.
4. **Financial Resources:** The Board is responsible for adopting a budget that will provide the financial basis for buildings, staff, materials and equipment that 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 and disposing of properties, and for approving building plans that will support and enhance the educational program.
6. **Communication With 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 means of appeal for school staff members, students and the public when issues involve Board policies and their fair implementation.

These powers and duties describe the role of the Board and may be exercised only when a quorum of the Board is convened in a legally constituted meeting.

LEGAL REF: Michigan Constitution, Article 8; MCL 380.11 *et seq.*, General Powers School District

C) District Goals and Objectives — The Board will establish and review a set of goals and objectives to guide the operations of the district. All personnel in the district shall direct their efforts toward achieving the goals and objectives of the district in order to insure that students are able to function effectively in their environment, employment, and continuing educational efforts.

The Board may participate in planning through an annual meeting with the Superintendent to review progress on the implementation of priorities, initiatives, and long-range plans, to determine which goals have been achieved, whether any new efforts are needed, and to review major issues that may affect the future of the district. The Board also shall consider and act upon objectives and major activities proposed by the Superintendent to achieve long-range goals. Planning is an on-going process and many activities conducted in regular meetings throughout the course of the year will establish goals and objectives that will provide direction for staff members. The Board may also utilize its standing committees as part of the planning process.

Article III – Board Officers

A) General Guidelines

1. Members of the Board shall be elected by the School electors for terms of six (6) years.

At each regular school election, members of the Board shall be elected to fill the positions of those whose terms will expire. A School Board member's term of office begins January 1st, immediately following the November election in even years.

2. Officers will be elected to term of one year at the annual organizational meeting that is held in January of each year.

3. The members of the Board of Education will elect a President, Vice-President, Secretary and Treasurer from the currently seated trustees.
4. The Board has indicated that members may hold office for the length of their term.

Updated December 13, 2010

Updated May 14, 2012

Updated December 14, 2015

LEGAL REF: MCL 380.121 through 380.125

B) Acceptance of Office — The Board Secretary or designee shall notify each member-elect of his/her election within five days after the election. Prior to assuming membership on the Board and within ten days of notification of election, each newly elected Board member shall file an Acceptance of Office as well as an Affidavit of Eligibility and shall take an Oath of Office. The oath may be re-administered at the organizational meeting of the board.

LEGAL REF: MCL 380.1102

C) Board Officers — The officers of the Board shall be President, Vice-President, Secretary, and Treasurer. All official officers of the Board of Education must be duly elected members of the Board of Education.

Board Offices and Responsibilities

1. The President of the Board of Education shall:
 - a. Preside at meetings of the Board of Education and be responsible for the orderly conduct of such meetings.
 - b. Appear on behalf of the Board in all actions brought by or against the Board, unless individually part of the action in which case this duty will be performed by the Vice-President.
 - c. Sign all legal documents requiring signature of the Board of Education based on approval of the Board of Education.
 - d. Consult with the Superintendent in planning the agenda.
 - e. Appoint trustees as members of Board committees.
 - f. Confer with the Superintendent on crucial matters that occur between Board meetings.
 - g. Act as spokesperson for the Board unless this responsibility is delegated to others. Comments should be based on the official position of the Board of Education.
 - h. Call special meetings of the Board as required and direct appropriate notice to be provided to other members of the Board of Education.
 - i. Perform other duties as required by law or by the Board of Education
2. The Vice-President of the Board of Education shall:
 - a. Preside at meetings of the Board of Education when the President is unable to attend.
 - b. Perform other duties as required by law or by the Board of Education
 - c. In the case of a vacancy in the Office of President, succeed to the Office of President of the Board for the balance of the unexpired term.
3. The Secretary of the Board of Education shall:
 - a. Act as clerk at meetings of the Board Record and sign the minutes of meetings, orders, resolutions, and other proceedings of the Board of Education.
 - b. Be the chief election officer of the school district with the authority to delegate election duties to a member of the administrative staff.
 - c. Perform other duties as required by law or by the Board of Education.
4. The Treasurer of the Board of Education shall:
 - a. Have care and custody of all monies of the school district. The Treasurer shall deposit funds of the district with a bank or banking corporation or trust company designated by the Board in the manner and proportion directed by the Board.

- b. Since the Treasurer does not directly handle money, the Board grants authority for the direction of school district funds to the appropriate school district personnel. School personnel who are connected with the administration of funds shall be bonded with the cost of such surety bond to be paid by the district.
- c. Perform other duties as required by law or by the Board of Education.

D) Board Member Development Opportunities — The Board recognizes the need for continuing in-service training and education and encourages the participation of all members at these specific categories of activities as a part of their official duties: conferences, workshops, in- service programs, and conventions, at the local regional, state and national levels. A Board member's actual and necessary expenses shall be paid for or reimbursed when the member attends any of these activities. Funds for participation will be budgeted on an annual basis. Board members will be reimbursed for actual and necessary expenses in accordance with the current law and district policy and procedures.

General Procedures

1. The Board encourages its membership to participate at appropriate conferences, workshops, conventions, seminars, and similar meetings.
2. The Board endorses the concept of Board member certification as promoted by the Michigan Association of School Boards and encourages all members to achieve Certified Board Member status.
3. Funds for Board member professional development will be budgeted on an annual basis.
4. Board members shall be reimbursed for actual and necessary expenses incurred in the discharge of official duties or in the performance of functions authorized by the Board. The district will reimburse for expenses of travel, lodging, meals, phone expense, and other necessary expenses when such expenses are directly related to activities and functions of serving as a member of the Board of Education. EXPENSES FOR SPOUSES ACCOMPANYING BOARD MEMBERS ARE NOT REIMBURSABLE.
5. Board members will account, in full with receipts attached, for expenses resulting from participation at conventions, conferences, or other appropriate events. Reimbursement will be authorized through the standard Board payment approval process.
6. When a meeting is not attended by the full Board, those who do participate will be requested to share information, recommendations, and materials acquired at the meeting.
7. New Board members will be provided an opportunity and are strongly encouraged to attend activities provided by the Michigan Association of School Boards that are designed specifically for new Board members.

LEGAL REF: MCL 380.11 et seq.; 380.1254; 380.17641

E) Board Position Vacancies — Board member vacancies shall be filled within 30 days from the effective date of a resignation or other event (except a vacancy occurring by recall election), which causes a vacancy to exist. The vacancy shall be filled with a legally qualified person who is appointed by a majority vote of the remaining members of the Board at a regular or special meeting of the Board.

Persons appointed to fill a vacancy shall file an Acceptance of the Office, including an Affidavit of Eligibility with the Secretary of the Board, and shall take the Oath of Office as prescribed by law. The appointee shall hold office until the next annual school election.

If a majority of the positions are vacant at the same time, the remaining members shall immediately call a special election to fill the vacancies.

The resignation of a Board member is self-executing and irrevocable and is effective without acceptance or approval by the Board.

F) Appointment Process — When a vacancy on the Board occurs, the following procedures shall be used by the Board in filling the vacancy: The Board President, through public announcements in the news media or other appropriate means, shall make it known that a vacancy has occurred and that those persons interested in being considered for appointment should notify the Secretary of the Board by the deadline established by the Board.

The full Board, or a committee appointed by the Board shall review and screen applications to determine which candidates should be further considered for appointment. Screening by the full Board shall be done in public session; and

The Board, by roll call vote of a majority of those elected and serving, shall determine which candidate shall be appointed to fill the vacancy.

LEGAL REF: MCL 380.1102-1104; 15.261-15.275 Open Meetings Act; AG Opinion #5262, #6124

Article IV — Board of Education Meetings

A) Board of Education Meetings

1. **Organizational Meeting** — The organizational meeting of the Board shall be held in conjunction with the January Regular meeting. All meetings of the Board will be open to the public as provided by law. Notice of meetings must be given to the Administrative Offices. The Superintendent will be responsible to see that all such meetings are properly posted as required by law.
2. **Regular Meetings** — The Board shall hold one regular meeting each month. The schedule for regular monthly meetings shall be adopted at the July Board meeting. A notice of the regular meeting schedule shall be posted at the entrance to the principal office of the Board or the principal office of the district within ten days of the meeting. The schedule of regular meetings or the regular meeting date may be changed by the Board as provided in the current law.
3. **Special Meetings** — Special meetings of the Board may be called by the President of the Board by providing the other Board members a written notice of the date, time, and place of the special meeting. The use of special meeting should be restricted to matters that cannot reasonably wait until the next regular meeting. The notice may be served by delivering the notice to the Board member personally, or by leaving the notice at each member's residence with a person of the household at least 72 hours before the meeting is to take place. The notice also may be served by mail addressed to the member at the member's address on file in the district office, at least 72 hours before the meeting is to take place. Service of the notice may only be by a Board member or an employee of the district.
4. **Emergency Meeting** — The Board may meet in emergency session in the event of 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 the efforts to lessen or respond to the threat.
5. **Information/Work/Study Sessions** — Information, work or study sessions of the Board shall be held as called by the President. Such sessions will be open to the public and properly posted as a Board meeting. No action by the Board shall be taken at such a meeting.

Updated December 13, 2010

LEGAL REF: MCL 380.11 et seq.; 15.261-275; 380.613; 380.1031-380.1201

B) Agenda — The Superintendent shall distribute to each Board member prior to each meeting appropriate material and written matter concerning items on the agenda, which then shall be referred to as the annotated agenda. The Board agenda shall be prepared by the Superintendent in cooperation with the Board President and shall include a period of time at the start of the meeting when the public may speak to the Board. Other Board members may request in advance of the meeting that items be placed on the agenda except at special meetings of the Board.

A request by the public to place an item on the Board agenda must be made to the Superintendent or President at least seven days in advance of the meeting at which it is desired to have the item presented. The request should include a brief statement of the matter to be brought before the Board along with any background information available which may be provided to the Board in advance of the meeting.

The Superintendent, in consultation with the President, shall determine whether or not the matter is an appropriate agenda item for that meeting or a future meeting. The Superintendent shall notify the person making the request whether or not the item will be placed on the agenda. If the item is placed on the agenda, the person making the request shall be allowed a reasonable amount of time to present information related to this issue.

Items not placed on the agenda upon the request of a member or the public may be added to the agenda by the unanimous vote of the members elected to and serving on the Board if the item is an action item. Generally, it shall be the Board's policy to add items for action only in critical or urgent situations. Discussion items may be added by a majority vote of those members elected to and serving on the Board. The annotated agenda shall be sent to all Board members at least three calendar days prior to any regular Board meeting. The annotated agenda may include any background information that will assist them in making an informed decision about the items before the Board. Additional information of interest to Board members may also be included. Board members who feel that they would benefit from additional information should contact the Superintendent and reconcile these matters in advance of the meeting.

LEGAL REF: MCL 380.11 et seq.

C) Parliamentary Authority — The Board shall be governed by rules of procedure as adopted by the Board. The rules contained in the current editions of Robert's Rules of Order shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and the laws of the State of Michigan. The purpose of this parliamentary procedure is to ensure the existence of an organized method for the Board to use in conducting its business and to provide an opportunity for all members to participate in the process.

The President, or Vice-President in the absence of the President, shall preside at all meetings. In the absence of both the President and the Vice-President, the members present shall elect a President pro tempore who will serve only for that meeting or for that part of the meeting in which the President and Vice-President are absent.

Any member of the Board who wishes to make a motion, second a motion or discuss pending business will first secure recognition of the Board President.

The President will present each agenda item for discussion or designate the Superintendent who will present the agenda item.

D) Quorum — A majority of the members elected to and serving on the Board shall constitute a quorum. A majority of members elected to and serving on the Board is required to approve a motion.

LEGAL REF: MCL 380.1201, AG Opinions #5183, #5788, #6057, #6636, #6752

E) Voting Method — The Board shall take action by way of motions. No motion may be acted upon until it has been duly supported or seconded by a member of the Board. The vote on all motions shall be by "yes" and "no" and will be taken by a show of hands or a roll call vote. Following each vote, the President shall announce that the motion passed or failed, and if not a unanimous vote, shall announce the number voting "yes" and the number voting "no." Each Board member may have the privilege of explaining for the record any vote, be it affirmative or negative at the discretion of the President.

LEGAL REF: MCL 380.11 et seq.

F) Conflict of Interest — When a member of the Board determines that the possibility of a personal interest conflict exists, he should disclose his interest prior to the matter being considered. The disclosure shall become a matter of record in the minutes, and he shall abstain from participation in both discussion on the matter and/or the vote. When deemed appropriate, he shall temporarily excuse himself from the table.

A member of the board is presumed to have a conflict of interest if a member of his or her family has a financial interest, or a competing financial interest, in the contract or other financial transaction or is an employee of the school district.

As defined in the law, "family member" means a person's spouse or spouse's sibling or child; a person's sibling or sibling's spouse or child; a person's child or child's spouse; or a person's parent or parent's spouse, and includes these relationships as created by adoption or marriage.

If a majority of the members of the board are required to abstain from voting on a contract or other financial transaction due to the operation of this section, then, notwithstanding any other provision of law or any bylaw, for the purposes of that contract or other financial transaction, the members who are not required to abstain constitute a quorum of the board and a majority of those members eligible to vote is required for approval of the question.

It is not the intent of this policy to prevent the Board from contracting with corporations or businesses under the competitive bid law because a Board member is an employee of the firm.

G) Minutes — The Secretary or acting Secretary of the Board shall be responsible for keeping the minutes or to see that minutes of every meeting of the Board are kept. A recording Secretary, not a member of the Board, may be appointed and shall attend all meetings and record all actions of the Board. Such minutes shall be reviewed and signed by the Secretary of the Board or acting Secretary. The minutes shall include the date, time, place, members present, members absent, all motions made at open meetings and action taken thereon, the purpose(s) for which closed sessions are called, all votes taken, 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 a motion is taken. The minutes shall not usually contain comments from Board members.

Copies of proposed minutes of an open meeting shall be provided upon request to members of the public who request the minutes within eight business days of the meeting and copies of approved minutes within five business days of the meeting at which they were approved. Minutes shall be presented for approval at the next meeting of the Board and copies shall be sent to all Board members prior to said meeting.

Minutes of closed meetings shall not be made public except as specified by current law.

LEGAL REF: MCL 380.11 et seq.; 380.1201; 380.1202; 15.269; AG Opinion #6353

H) Public Participation — At each meeting of the Board the President or the presiding Board officer shall welcome all visitors to the Board meeting.

The Board President shall, at the appropriate time, ask those members of the public attending the Board meeting if any of them have something to bring to the attention of the Board. All those wishing to address the Board shall be subject to the following procedural regulations:

The public participation portion of the meeting shall be limited to one-half hour. An exception can be made so that those in attendance may address the Board. This period can be extended by a 2/3 vote of the elected Board members.

Each person shall be allowed to speak for up to five minutes, except where the number of speakers exceeds the time limit. In those instances, the Board President may either reduce the five-minute limit to a three-minute limit for each speaker or the Board may waive the one-half hour time limit and establish a longer time period. All persons wishing to address the Board shall identify themselves by name and address. If an individual is representing an organization or group, the person should indicate whether the comments or presentation represents the official view of the organization or group. If a delegation is present to address the Board, the delegation may select two representatives to speak on its behalf, for a total of not more than 10 minutes.

All written statements should be given to the Board Secretary so that copies may be made available to all Board members. All written statements and documents presented to the Board by an individual group during the meeting become the possession of the school district and are considered public documents.

Individuals addressing the Board should take into consideration the rules of common courtesy. The public participation portion of the meeting shall not be used to make personal attacks against Board members or district employees. The Board member or employee has a right to request that any complaint be addressed in closed session. Complaints will be handled as prescribed in the section regarding handling complaints.

Board members may choose to question some speakers, but are not obligated to answer questions or make statements in response to issues raised by the public. In general, such issues will be referred to the Superintendent for investigation, study, and recommendation or be designated as future agenda items for Board consideration. Board members and staff members should allow the public comments to be made in a non-threatening environment and should avoid discussion and debate with members of the public who choose to make comments.

I) Handling of Complaints — The Board President shall inform those in attendance of the procedures regarding complaints prior to the beginning of the public comment section of the meeting. Complaints shall first be considered through proper channels before being considered by the Board. The Board shall not hear complaints at an open meeting about named district personnel unless the named district personnel requests the Board to hear the complaint at an open session.

LEGAL REF: MCL 380.11 *et seq.*; 380.1808; 15.263(1); 15.268

J) Closed Sessions — The Board may meet in closed session as provided for under current law. The minutes of any closed session shall be kept separate from the minutes of the regular or special meeting and shall not be a matter of public record except as provided for under current law.

Any Board action taken as a result of a closed session shall be taken in a public meeting and recorded as such. The Board shall conduct closed sessions only as provided by current law.

LEGAL REF: MCL 15.268

NOTE A public body may meet in closed session only for the following purposes: (a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing; (b) To consider the dismissal, suspension, or disciplining of a student and if the student's parent or guardian request a closed hearing; (c) For strategy and negotiations sessions if either party requests a closed hearing; (d) To consider the purchase or lease of real property; (e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation; (f) To review the specific contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential; and (g) To consider material exempt from discussion by state or federal statute.

Article V – Board Committees

A) Board Advisory Committees — The Board may establish such standing, ad hoc, and advisory committees as it deems necessary. The type and function of each Board committee shall be dictated by the needs of the district for the special services of such committees. The President shall appoint all Board members to Board committees. Each committee shall organize itself with assistance from the Superintendent. The Superintendent shall provide appropriate information and support to such committee. A line of communication shall be established between each committee and the Superintendent and the Board. Each committee shall report to the Superintendent and/or the Board as may be required by regulation or by procedure.

Whenever there is no longer any need for an advisory committee created by the Board, the committee will be dissolved. A committee may be dissolved at any time.

B) Standing Committees — Standing committees established of the Board shall generally consist of three members of the Board. One or several alternates may also be appointed by the President. These committees will conduct their business in a manner that will limit activities and considerations to policy matters and recommendations. In appointing members of advisory committees, the President shall consider the needs of the district.

The standing committee shall meet as frequently as is deemed necessary to accomplish the mission assigned to it. It shall be the responsibility of the Superintendent to be informed as to the progress of the committee and to relay such information to all members of the Board. Standing committees will also perform those functions and tasks outlined in related policies or procedures.

At the request of the committee or on the initiative of the Superintendent, the Superintendent shall assign school personnel to assist the committee in its work as the situation warrants. The Superintendent shall exercise his discretion in providing such personnel. At the request of the committee or at the discretion of the Superintendent, the Superintendent shall make available to the committee such material as the situation warrants and as may be available at reasonable times and at a reasonable cost.

The committee shall make reports available to the Board.

LEGAL REF: MCL 380.11 *et seq.*; 15.263; AG Opinion #5183, #5183A, #5286

Article VI — Board-Superintendent Relations

A) Board-Superintendent Relations — The Board, in all phases of district operations, will endeavor to work through the Superintendent, who will direct district employees in regard to such operations unless

mutually agreed upon between the Board and Superintendent. The Board shall extend to the Superintendent authority and responsibility for implementing Board policy decisions.

LEGAL REF: MCL 380.11 *et seq.*

B) The Superintendent shall develop necessary procedures, forms, or other measures to implement the goals of this policy using simple, logical, and collegial processes.

C) The Superintendent shall provide opportunities for interested persons to become knowledgeable about the district planning process, and to review and to make recommendations concerning specific district plans.

D) The Superintendent shall give the Board periodic reports on a regular basis on the progress and success of various plans, and shall provide that related information is available to the news media and to district personnel.

LEGAL REF: MCL 380.11 *et seq.*

Article VII — Board Awards and Recognitions

A) Board Awards and Remembrances — The Board authorizes the Superintendent to provide suitable awards and remembrances on behalf of the Board or the district in situations or circumstances deemed necessary by either the Board President or the Superintendent.

In the case of death involving a Board member or staff member, or student, or a member of such person's immediate family, the Board has established a Memorial Scholarship, which is funded by the personal contributions of the members of the Board and the Superintendent. The Superintendent will provide for appropriate notice to the family of the individual in whose name the remembrance is being made.

Board members will be provided with notice of all memorials provided under this section.

B) Board Recognitions — The Board supports a recognition program for staff, students, community members, Board members, and others who have demonstrated extraordinary service, achievements and accomplishments on behalf of the district. The Superintendent will also provide a token of appreciation of nominal value to individuals who retire in good standing from the school district. The Superintendent and Board President shall be responsible for developing a recognition program for the district.

LEGAL REF: MCL 380.11 *et seq.*

Article VIII — Bylaw and Policy Development System

A) Bylaw and Policy Development — The Superintendent, as the need arises, shall advise the Board when he is of the opinion that a bylaw or policy should be changed or supplemented and present to the Board the reasons therefor.

The Board shall oversee and review its bylaws and policies and shall, as needs dictate delete, amend, and supplement existing bylaws and policies and adopt new bylaws and policies.

Draft Writer

The Superintendent shall draft all recommended policy changes. New bylaw proposals and recommendations for change shall be drafted by the Superintendent in conjunction with the Board President. The services of an attorney may be used if deemed appropriate. In formulating policy recommendations to be made to the Board the Superintendent may involve members of the staff in the formulation of such policy. The Superintendent may solicit recommendations from the staff in regard to the workability of policies, needs for change and new policies. The Superintendent, in formulating recommendations to the Board shall consider the recommendations made to him by the staff. To the extent possible, members of the public may be involved in the development of a policy. Students may also be involved as appropriate in the development of Board Policy.

LEGAL REF: MCL 380.11 *et seq.*

B) Bylaw and Policy Adoption — The Board shall adopt new bylaws and policies and delete or modify existing bylaws and policies as the need arises. All rules and regulations found in handbooks for students, teachers or other employees and supplements may be reviewed by the Board for compliance with Board policy. Board members will be subject to the terms and conditions of the bylaws, policies, and procedures of this district. Adoption and/or amendments to bylaws, policies, rules and regulations of the Board shall be made after two readings by the Board which can be held during any regular or special meeting of the Board by a majority vote of the members elected to and serving on the board.

A recommendation by an individual or group of citizens to adopt or amend any bylaw, policy or rule may be submitted at any time to the Superintendent or Board President. The Board may consider such request at the next regular Board meeting. Final action on any such recommendation may take effect after the two readings have been held unless an emergency is declared whereby final action may be taken immediately.

C) Policy Dissemination — The Superintendent shall be responsible for devising a procedure to ensure that those persons having copies of the Board policy manual receive changes in Board bylaws and policy and the policies that have been amended or deleted are removed from such policy manuals. Every attendance center shall have a current copy of the policy manual that shall be kept in the Office of the Principal or the Superintendent. A copy of the Board policy manual shall also be kept in the central administrative office. Each Board member shall be furnished with a copy of the policy manual, and the Superintendent may also designate which administrators shall be furnished with copies of said policy manual.

The Board Secretary shall keep a running historical set of Board bylaws and policies that shall reflect revisions, amendments or other such actions pertaining to every bylaw, policy and rule. District policies and Board bylaws should be reviewed as the need arises.

D) General Policy Development Considerations

1. The Board believes that policies should be developed with great care so as not to require frequent revision or modification.
2. The Board reserves to itself the function of policy adoption subject to the process outlined in this policy.
3. Policies are to be applied fairly and consistently.
4. The formal adoption of policies will be recorded in the minutes of the Board. Only those written statements so adopted and recorded will be regarded as official Board policy.
5. Policies will be effective on the date established by the Board.
6. The policies of the Board are developed and are meant to be interpreted in terms of state laws, regulations of the State Board of Education, and other applicable state, federal, or local laws or regulations.
7. Policies will be disseminated to district administrators upon adoption by the Board. All current policies are on file in the Principal's Office of each building.
8. In the absence of a policy covering a specific situation, the Superintendent will be authorized to take action using his best judgement in arriving at a decision. The Superintendent will recommend whether a policy should be written to cover similar incidents, within a reasonable amount of time.

LEGAL REF: MCL 380.11 et seq.

E) Policy Development Process — Careful thought and preparation should accompany the development of a Board policy. The policy development process should provide an opportunity for research and Board input prior to the adoption of a policy. The final policy should reflect the direction of the Board of Education. Policy development in the Standish-Sterling Community School District will strictly adhere to the procedures outlined in this policy. An outline of the basic procedures is indicated below:

1. **Issue Definition and Clarification** -- In response to a perceived need or at the suggestion of a member of the Board of Education, the Superintendent will initiate a review of the issue at hand. During this initial phase, the issue will be identified and clarified. Based on analysis and need, it may be found that the issue is already covered under an existing policy, is determined not to require action, or may be assigned to the policy process.

2. **Board Information** -- If a policy is to be developed, the Superintendent will provide information to members of the Board regarding the issue and the rationale for pursuing the matter. This is an informal stage that is designed merely to alert the Board that action is being considered. At this point a suggested approach may be proposed. Legal issues will also be considered as appropriate.
3. **Draft Policy Preparation** -- The Superintendent will prepare a draft policy. This draft policy will form a framework for Board discussion on the components of the proposed policy.
4. **First Reading** -- The policy will be placed on the Board agenda for a "First Reading". The draft policy will be reviewed during the first meeting. The form and substance will be modified to reflect the direction of the Board of Education. Suggested modifications/amendments will be noted.
5. **Final Draft Preparation** -- The Superintendent or his designee will use the information from the discussion at the Board meeting to develop a final draft of the policy. Amendments at this stage of the process will not require an additional "First Reading".
6. **Second Reading/Adoption** -- When all of the concerns have been addressed, the Superintendent, in cooperation with the President of the Board, will place the proposed final draft on the agenda of the next Board meeting for a "Second Reading". The policy will be presented to the Board for discussion and vote.
7. **Policy Dissemination** -- The Superintendent will disseminate all adopted policies, with suggestions for implementation, through the Administrative Council.

F) Policy Review/Revision/Amendment Procedures

1. Changes in needs, conditions, purposes, and legislation will require deletions and additions to the policies of present and future Boards.
2. To the extent that is practicable, the policy revision process will parallel the policy development process.
3. Under unusual circumstances, the Board may temporarily amend or approve a policy to meet emergency conditions; however, a policy so adopted will not become permanent until it follows the regular policy adoption procedures.
4. The Board may review and affirm an existing policy by a majority vote of the majority of members elected to and serving on the Board.

G) Procedures for Suspension of a Policy — Deviation and modifications of an existing policy, in fact, create a new policy. This new policy should be applied equally, not only to the exception that has been created, but also to all affected individuals. This situation tends to undermine the policy development process and could, if not monitored carefully, result in disparate treatment, which is undesirable.

The suspension of a policy should be a rare occurrence that is generally the result of unforeseen circumstances. The Board may elect to suspend a policy in the following circumstances:

1. In cases where the policy suspension has been placed on the meeting agenda prior to the meeting, the policy will be subject to suspension only upon a majority vote of the elected trustees present at the meeting.
2. In cases where the policy suspension has not been properly placed on the meeting agenda prior to the meeting, the policy will be suspended only upon unanimous vote of the duly elected trustees in attendance at the meeting. All policies suspended under these provisions will be considered to be temporary and subject to a recommendation for revision or modification in a timely manner.

LEGAL REF: MCL 380.11 et seq.

H) Administration in Absence of Policy — When action must be taken and no guidelines have been provided for administrative action, the Superintendent shall have the power to act. Such decisions shall be subject to review by the Board at its next regular meeting. It shall be the duty of the Superintendent to notify the Board of such action and to advise the Board for needed policy.

LEGAL REF: MCL 380.11 et seq.

I) Suspension of Bylaws — The Board's bylaws and policies shall be subject to suspension only for cause and upon a majority vote of the members elected to and serving on the Board. The suspension of a policy should be a rare occurrence that is generally the result of unforeseen circumstances. All policies suspended under these provisions will be considered to be temporary and subject to a recommendation for revision or modification in a timely manner.

LEGAL REF: MCL 380.11 *et seq.*

Article IX — Board Records

A) Board Records — The Board shall keep such Board records as shall be necessary for the understanding of their actions. In addition to those records required to be kept by law, the Superintendent shall be responsible for the designing and keeping of such other records as are necessary for the efficient operation of the district.

The Superintendent shall establish procedures ensuring security, safety and confidentiality of all stored records. Fees and charges for retrieval of all stored records shall be established to maintain cost effectiveness while providing a high level of service.

LEGAL REF: MCL 380.11 *et seq.*

B) Annual Educational Report — The Board shall issue an Annual Education Report to the district's constituents in the manner prescribed by the current law. The Superintendent shall determine if information over and above the statutory requirements will be included in the report. The Board shall be given a copy of the report by the end of the school year.

LEGAL REF: MCL 380.11 *et seq.*

Article X — Board Member Ethics and Responsibilities

A) Board Member Code of Ethics — It is imperative that the Board members conduct themselves in a manner that develops the confidence and trust of all of the various people with whom they have to work. The Board, desiring to operate under the highest ethical standards, adopts the following Code of Ethics for Board members:

Board members will:

1. Observe the regulations and policies of the school system and the laws, rules, and regulations governing education in the State of Michigan.
2. Represent the Board responsibly in all Board-related matters with proper decorum and respect for others.
3. Confine Board action to policy-making and recognize that the Superintendent, not the Board, is responsible for the day-to-day administration of the schools.
4. Recognize that the Board functions only as a Board through duly adopted policies and actions approved at public sessions and that individual Board members do not have the authority to act on behalf of the district or the Board.
5. Assure the opportunity for high quality education for every student.
6. Represent the entire community without fear or favor.
7. Refer all complaints, comments, and criticisms directly to the Superintendent.
8. Carry out the duties of any elected or appointed office he/she may occupy within the Board in a fair and impartial manner.
9. Maintain confidentiality of privileged information. Disclosure of information is considered to be unethical.
10. Evaluate personnel and programs based on performance, without regard for personal feelings, in a fair and impartial manner.
11. Make appointments when visiting facilities so as not to disrupt regular operations.

12. Respect the decisions of the Board.
13. Preserve the obligation of having controversial issues presented fairly and without bias.
14. Avoid personal attacks on individuals and prevent others from making these personal attacks.
15. Comply with required reporting disclosures and abstention requirements when necessary.

LEGAL REF: MCL 380.11 *et seq.*

B) Board Member Ethics and Responsibilities

Board members shall:

Attend all scheduled Board meetings insofar as possible and become informed concerning the issues to be discussed at Board meetings.

Make policy only after full discussion of the issues at publicly held Board meetings.

Encourage the free expression of opinion by all Board members, and seek systematic communication between all elements of the community.

Work with other Board members to establish effective policy and to delegate authority for the administration of the schools to the Superintendent.

Communicate to other Board members and the Superintendent public reaction to Board policy and district programs.

Become informed about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the professional organizations.

Support the employment of those persons best qualified to serve as district staff and insist on a regular impartial evaluation of all staff.

Avoid being placed in a position of conflict of interest and refrain from using the Board position for personal or partisan gain.

Take no action that will compromise the Board or the district's staff and respect the confidentiality of information that is privileged under applicable law.

C) Board Member Responsibilities

The Board shall transact all business at legally called and noticed meetings. No Board member shall have the power to act in the name of the Board outside Board meetings unless that person has been specifically designated to do so by official Board action.

The Board shall make the staff and citizens aware that only the board, not individual members, has the right to take official action for the district. Board members may be contacted for discussion of district business or for complaints. The board member may listen; but shall not make a commitment on behalf of the Board. The individual Board member does not and cannot speak for the Board or the Superintendent.

If a specific complaint needs attention, the Board member shall explain the district's chain of command for handling complaints or refer the complaint to the Superintendent. The Board member shall also inform to the complainant the process for bringing items to the Board through the Board's agenda or through the public participation section of the Board meeting.

D) Board Member Conduct Guidelines

Individual Board members do not have the authority to act on behalf of the district or the Board. All Board members have a responsibility to conduct themselves appropriately.

It is unethical for a **Board member** to:

- (1) Seek special privilege for personal gain.
- (2) Personally assume unauthorized authority.
- (3) Criticize school employees publicly.
- (4) Disclose confidential information.

- (5) Place the interest of one group or organization above the interest of the entire school district.

It is unethical for a **Board of Education** to:

- (1) Withhold facts from the Superintendent, including those about the incompetency of an employee.
- (2) Consider complaints against a teacher that are not first submitted to the Superintendent.
- (3) Announce future action before the proposition has been discussed by the Board of Education.

Article XI — Board Member Compensation

- A) Board Member Compensation** — The Board may authorize compensation for its members for attendance at any regular, special or committee meetings of the Board, or authorized duty if the duty is related directly to the members' responsibility and is authorized in advance by the Board. Meeting compensation shall be at the rate of \$35.00 per meeting not to exceed 52 meetings per year. Mileage at the highest current rate authorized by the Internal Revenue Service will also be provided. The Board will periodically review its compensation practices to ensure that these procedures remain in compliance with the current legislation.

Updated December 14, 2009

Updated April 11, 2011

Updated June 10, 2012

Updated January 14, 2013

LEGAL REF: MCL 388.1764b

MCL 380.1254 (1)

Appendix A

Appendix A contains a copy of a memorandum that outlines the procedures that apply to a supermajority vote. There are two additional attachments that will be referenced from time to time. The one attachment provides a statutory reference to conflict of interest. The second attachment provides a statutory reference to the Open Meetings Act.

Standish-Sterling Community School District
Standish, Michigan 48658

MEMORANDUM

To: Members of the Board of Education
From: Claude L. Inch, Superintendent
Re: Supermajority Vote
Date: October 29, 1996

I have been attending a workshop related to bylaw and policy development. In the course of my research I have prepared this analysis of the legal basis for the requirement of a supermajority vote with respect to certain actions taken by a Board of Education. This has been referenced in the past but I do not feel that it has received an adequate explanation. This memorandum will clarify this matter as it affects subsequent actions of the Board.

There are currently three types of circumstances that come into play. The first deals with a Conflict of Interest, which will be presented separately below. The second circumstance deals with specific provisions of the Open Meetings Act that is also presented separately below. There are also other instances which are not specifically required by law such as in the suspension of policies and other similar instances in which the Board may require a consensus or supermajority provision as part of its procedures. The two legal references are included in detail in the succeeding materials. The statutory language is also included for future reference.

Conflict of Interest

The legal basis for a supermajority vote is found in Public Act 317 of 1968, which is entitled Contracts of Public Servants with Public Entities (MCL 15.321 et. seq). This act prohibits public servants from deriving gain as a result of the control associated with their public service. It requires an abstention in those situations where a conflict of interest exists and further requires that disclosure must be made in these instances.

The supermajority vote is derived from language in §15.323(2)(b). A supermajority vote requires a 2/3 majority in contrast to the simple majority of 50%, which is required in all other matters. (The full text of the applicable sections of this law follows this memorandum.) From a School Board perspective, a 2/3 majority would require a vote of 5 out of the 7 elected members. Votes under this position should receive special attention at the time they are made to see that the requisite number of authorized votes have been cast. If two members declare a conflict, all of the remaining five members must vote the same way. If three members declare a conflict the vote will have to be reviewed in the context of §15.323(3). This would be a rare occurrence that may require legal counsel prior to the vote.

The conflict of interest is the factor that necessitates the supermajority vote. This may occur in many ways and should be reviewed on a case-by-case basis. The conflict may occur in several areas and for many different reasons. It is overly simplistic to say that budget and finance is the only application of this because there are many ways that a District can contract for services.

This area has not been a problem in the past. This memorandum has been constructed to provide clear guidance in this area. Properly following these procedures will help insure that the Board conducts its business in an open and honest environment that is in full compliance with applicable laws and regulations.

Open Meetings Act

The actual language of this law may be confusing if not read carefully. The law requires a 2/3 majority in all cases except those specifically excluded. Emphasis has been added to the statutory language that requires a 2/3 majority vote. Upon a two-thirds roll call vote of the members of a public body elected or appointed and serving, a public body may meet in closed session for reasons specified in section 8(d), (e) (f), and (g). Closed sessions may also be held by a public body without a two-thirds roll call vote for the reasons specified in Section 8(a), (b), (c), and (f). This is in accordance with Attorney General Opinion No. 5183 issued 3/8/77.

MICHIGAN COMPILED LAWS

15.322 Public servants; contracts prohibited.

Sec. 2. (1) No public servant shall be a party, directly or indirectly, to any contract between himself and the public entity of which he is an officer or employee, except as provided in Section 3.

Sec. 2. (2) No public servant shall directly or indirectly solicit any contract between the public entity of which he is an officer or employee and (a) himself; (b) any firm (meaning a co-partnership or other unincorporated association) of which he is a partner, member or employee; (c) any private corporation in which he is a stockholder owning more than 1% of the total outstanding stock of any class where such stock is not listed on a stock exchange or stock with a present total market value in excess of \$25,000.00 where such stock is listed on a stock exchange or of which he is a director, officer or employee; or (d) any trust of which he is a beneficiary or trustee; nor shall he take any part in the negotiations for such a contract or the renegotiation thereof or amendment thereto or in the approval thereof; nor shall he represent either party in the transaction; except as provided in Section 3.

15.323 Applicability of §15.322 to public servants; requirements of contract; making or participating in making governmental decision; counting members for purposes of quorum; voting; affidavit; "governmental decision" defined.

Sec. 3. (1) Section 2 shall not apply to either of the following:

- a. A public servant who is paid for working an average of 25 hours per week or less for a public entity.
- b. A public servant who is an employee of a public community college, junior college, or state college or university.

Sec. 3. (2) A contract as defined in and limited by Section 2 involving a public entity and a public servant described in subsection (1) shall meet all of the following requirements:

- a. The public servant promptly discloses any pecuniary interest in the contract to the official body which has power to approve the contract, which disclosure shall be made a matter of record in its official proceedings.
- b. The contract is approved by a vote of not less than 2/3 of the full membership of the approving body in open session without the vote of the public servant making the disclosure.
- c. The official body discloses the following summary information in its official minutes:
 - (i) The name of each party involved in the contract.
 - (ii) The terms of the contract, including duration, financial consideration between parties, facilities or services of the public entity included in the contract, and the nature and degree of assignment of employees of the public entity for fulfillment of the contract.
 - (iii) The nature of any pecuniary interest.

Sec. 3. (3) This section and Section 2 shall not prevent a public servant from making or participating in making a governmental decision to the extent that the public servant's participation is required by law. If 2/3 of the members are not eligible under this act to vote on a contract or to constitute a quorum, a member may be counted for purposes of a quorum and may vote on the contract if the member will directly benefit from the contract in an amount less than \$250.00 and less than 5% of the public cost of the contract and the member files a sworn affidavit to that effect with the official body. The affidavit shall be made a part of the public record of the official proceedings. As used in this subsection, "governmental decision" means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, ordinance, order, or measure on which a vote by members of a local legislative or governing body of a public entity is required and by which a public body effectuates or formulates public policy.

Open Meetings Act -- Statutory Language

Closed Sessions; Procedure

Sec. 7. (1) A 2/3 ROLL CALL VOTE OF MEMBERS ELECTED OR APPOINTED AND SERVING SHALL BE REQUIRED TO CALL A CLOSED SESSION, EXCEPT FOR THE CLOSED SESSIONS PERMITTED UNDER SECTION 8(A), (B), (C), AND (F). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

Sec. 7. (2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, shall not be available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

Closed Sessions: Purposes

Sec. 8. A public body may meet in a closed session only for the following purposes:

- (a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered thereafter only in open sessions.
- (b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education which the student is attending, and if the student or the student's parent or guardian requests a closed hearing.
- (c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.
- (d) To CONSIDER THE PURCHASE OR LEASE OF REAL PROPERTY UP TO THE TIME AN OPTION TO PURCHASE OR LEASE THAT REAL PROPERTY IS OBTAINED.
- (e) To CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH SPECIFIC PENDING LITIGATION, BUT ONLY IF AN OPEN MEETING WOULD HAVE A DETRIMENTAL FINANCIAL EFFECT ON THE LITIGATING OR SETTLEMENT POSITION OF THE PUBLIC BODY.
- (f) To REVIEW THE SPECIFIC CONTENTS OF AN APPLICATION FOR EMPLOYMENT OR APPOINTMENT TO A PUBLIC OFFICE IF THE CANDIDATE REQUESTS THAT THE APPLICATION REMAIN CONFIDENTIAL, HOWEVER, ALL INTERVIEWS BY A PUBLIC BODY FOR EMPLOYMENT OR APPOINTMENT TO A PUBLIC OFFICE SHALL BE HELD IN AN OPEN MEETING PURSUANT TO THIS.
- (g) Partisan caucuses of members of the state legislature.
- (h) To CONSIDER MATERIAL EXEMPT FROM DISCUSSION OR DISCLOSURE BY STATE OR FEDERAL STATUTE.

The highlighted sections require a supermajority vote.

Legal Reference: Open Meetings Act, P.A. 267 of 1976, emphasis added.

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Any discrepancy between these Board Bylaws and official Board policies should be reported to the administration immediately. In such cases, Board policy shall take precedent over Board bylaws.