

## 1000—BOARD BYLAWS

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The Board shall establish programs and procedures, which shall best produce the educational achievement needed by District students, and do so within the financial limitations of the District. The Board will function as a legislative body in formulating and adopting policy, by selecting an executive officer to implement policy and by evaluating the results. Further, the Board shall carry out its functions openly, while seeking the involvement and contributions of the public, students, and staff in its decision-making processes.

In accordance with these principles, the Board, through its operations, shall seek to achieve the following goals:

1. To function in a non-partisan, broadly representative manner and to emphasize that every Board member should represent the entire District open-mindedly,
2. To concentrate the Board's collective effort on its policy making and planning responsibilities, and to formulate Board policies that best serve the educational interests of each student,
3. To provide the Superintendent with sufficient and adequate guidelines for implementing Board policies,
4. To maintain effective communication with the school community, the staff, and students, and
5. To conduct Board business openly, soliciting and encouraging broad-based involvement in the Board's decision-making processes by public, students, and staff.

#### Nominating Petition/Filing Fee

The School District Election Coordinator<sup>1</sup> shall receive nominating petitions from persons running for the Board or, in the alternative, personally receive a nonrefundable statutory \$100 filing fee paid by the candidate.

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<sup>1</sup> The "School District Election Coordinator" is the County, City, or Township Clerk.

Special Elections

The Board may schedule special elections at such time, under law, as it shall designate and for such purposes as determined by the Board.

Advice of Legal Counsel

The Board shall seek the advice of legal counsel concerning the proper procedure for scheduling special school elections.

LEGAL REF: MCL 168.301-303, 168.641

**Adopted April 15, 2002**

**Revised: May 9, 2005**

The board recognizes that many of the subject topics found in this policy manual may be subject to negotiations under the Michigan Public Employment Relations Act.<sup>2</sup> It is not the intent of the board to, in any way, circumvent the negotiations process; but rather to establish direction and general and long-range operational procedures for the care and custody, establishment, maintenance, and management of the public schools and property of the district as authorized under current law.

Whenever the bolded 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 actions does not relieve the **superintendent** of the responsibility of the actions of such designated representatives.

LEGAL REF: MCL 380.11a

**Adopted April 15, 2002**

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<sup>2</sup> MCL 423.201 et seq.

The legal basis for the Holly Area Schools is vested in the will of the people as expressed in the Michigan Constitution,<sup>3</sup> the statutes pertaining to education,<sup>4</sup> various court interpretations and the powers implied by the above.

The official name of the school district shall be Holly Area Schools, Oakland County, and the district shall operate as a general powers school district.<sup>5</sup>

LEGAL REF: MCL 380.11a; 380.601 *et seq.*

**Adopted April 15, 2002**

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<sup>3</sup> Michigan Constitution of 1963, Article 8, Section 2 (“The legislature shall maintain and support a free system of elementary and secondary schools as defined by law.”)

<sup>4</sup> MCL 380.1 *et. seq.* (The Revised School Code- Act 451 of 1976); MCL 388.1601 *et seq.* (The State School Aid Act of 1979); MCL 38.71 *et seq.* (The Teacher Tenure Act)

<sup>5</sup> MCL 380.11a General powers include, but are not limited to, the following:

- a. Educating pupils (K-12, preschool, adult education, etc.)
- b. Providing for safety and welfare of students.
- c. Acquiring and disposing of school property.
- d. Hiring, supervising, terminating employees and contractors.
- e. Receipt and expenditure of school funds.
- f. Joint agreements and cooperative arrangements. MCL 380.601 lists the same powers for Intermediate School Districts.

The mission of the diverse Holly Area Schools Community is to educate all students to be responsible productive citizens capable of thriving in an ever-changing environment through challenging and lifelong experiences.

**OUR BELIEFS** – Fundamental Value Statements of the District:

1. People need a safe, secure and nurturing environment for successful learning.
2. All people deserve learning experiences throughout their lives that are appropriate to their needs and attributes.
3. Positive self worth is important.
4. In an environment that challenges and encourages all individuals to reach their potential.
5. In the individual's responsibility and right to treat and be treated fairly and with dignity.
6. A wide variety of learning experiences is important to the development of a well rounded person.
7. People reach their highest potential when they take responsibility for their own learning.
8. Educational quality is enhanced through a partnership between school, family and community.

**Adopted April 15, 2002**

The exercise by the board of its powers granted by statute, the conduct of its affairs, and the rights and powers of its members, directors, and officers shall be governed by these bylaws, in accord with the laws of the State of Michigan,<sup>6</sup> and the regulations of the Michigan Department of Education.<sup>7</sup>

**Adopted April 15, 2002**

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<sup>6</sup> State mandates supersede the general powers granted to the school district. Some examples of state mandates include:

- a. A school district's fiscal year must begin on July 1. (MCL 380.1133)
- b. School boards must conduct their business at meetings in compliance with the Open Meetings Act. (MCL 380.1201; 15.261 et. seq.)
- c. The investment of school funds is restricted. (MCL 380.622; 380.1223)
- d. Administrators and teachers must have written contracts. (MCL 380.1229, 380.1231)
- e. English must be the basic language of instruction in schools. (MCL 380.1151)
- f. Female students must be permitted to compete for a position in all interscholastic athletic activities. (MCL 380.1289)
- g. Written sexual harassment policies are required in all districts. (MCL 380.1300a)

<sup>7</sup> <http://www.mde.state.mi.us> (The preceding web site contains the text --by topic area--of the regulations promulgated by the Michigan Department of Education.)

**1030 Membership**

**1030**

The board is composed of seven (7) members serving four year terms, and elected at an election held in accordance with MCL 168.1 *et seq*, or appointed by the Board to fill a vacancy.

Term of Office

The term of office of a board member shall begin on July 1 (or January 1 if the Board election is held in November) following his/her election, or immediately upon Board appointment. The term of a Board member shall end on June 30 of the year his/her term expires (or December 31 if the Board election is held in November).

**Adopted April 15, 2002**

**Revised: May 9, 2005**

The board shall act as a legislative body and shall appraise the work and programs of the district.

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 shall act as the general agent of the state in carrying out the will of the people of its district in the matter of public education. (P-8125) In all cases where the state laws do not provide or prohibit, the board shall consider itself the agent responsible for establishing and appraising the educational activities. (P-8125)

#### Functions of the Board

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

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's policies through the development and implementation of regulations.<sup>8</sup>
2. Educational Planning and Appraisal - The board is responsible for acquiring and requiring reliable information from responsible sources which 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.

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<sup>8</sup> MCL 380.1229 The superintendent must have a written contract, not to exceed 5 years. If written notice of nonrenewal of the contract is not given at least 90 days before the end of the contract, the contract is renewed for a 1 year period.

3. Staffing and Appraisal - The board is responsible for employing a superintendent and the staff necessary for carrying out the instructional program,<sup>9</sup> for establishing salaries and salary schedules and other terms and conditions of employment, and for establishing personnel policies district-wide in application.

The board is responsible for appraising the effectiveness of its staff by providing for their 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 and disposing of properties, and for approving building plans that will support and enhance the educational program.<sup>10</sup>
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 court of appeal for school staff members, students and the public when issues involve board policies and their fair implementation.

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<sup>9</sup> MCL 380.1230 (1) Before a school district may offer a position of employment as a teacher or an administrator the district must request a criminal history check from the criminal records division of the state police. MCL 380.1231 (“The board of a school district shall hire and contract with qualified teachers.”)

<sup>10</sup> MCL 380.1263 (1) (2) (3)

The board may exercise the afore mentioned legal powers and duties only when convened in a legally constituted meeting.<sup>11</sup>

LEGAL REF: Michigan Constitution, Article 8; MCL 380. 11 *et seq.*, 380.1261, General Powers School Districts

**Adopted April 15, 2002**

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<sup>11</sup> MCL 380.1202 (3) (“A meeting at which all members are present, with or without proper notice to members of the board, and for which proper notice is given to the public pursuant to subsection (4), shall be considered a legal meeting for the transaction of business.”) In addition, The Open Meetings Act (MCL 15.261) applies to all board of education meetings. The requirements for notice to the public, for regular and special meetings, are contained in that act. A local school board must adopt bylaws for board procedures, including notice of meetings to the board members and to the public, and requirements and procedures for conducting board meetings. Bylaws establishing meeting requirements should include at least the following: a. Time (at least monthly) and place of regular meetings. b. Form and method of notice to board members for regular meetings. c. Purposes for convening special meetings. d. Method(s) of calling special meetings. e. Form and method of notice to board members for special meetings. Bylaws establishing procedures for conducting board meetings should include: a. Agenda format and preparation. b. Public Participation Rules in compliance with the Open Meetings Act. c. Rules of Order, such as Robert’s Rules of Order, Standard Code of Parliamentary Procedure, etc. d. Actions, if any in addition to those set by law, where the board wants to require a roll call vote. e. Style of minutes.

Student representation on the Board is authorized in order to facilitate effective communication and to help promote sound education in accordance with the following guidelines:

1. The Board may appoint one (*or more - District discretion*) high school student(s) to serve in an advisory capacity to the Board,
2. The representative(s) shall be chosen by the students of the high school in a manner developed cooperatively by the building Principal and the student council,
3. The student representative(s) shall be chosen in the spring (if the Board election is held in May) or fall (if the Board election is held in November) and will serve for a one-year term beginning on July 1 (if the Board election is held in May) or January 1 (if the Board Election is held in November), and
4. The student representative(s) shall have the right to sit with the Board at all regular and special meetings, but not closed sessions or sessions that exclude the public unless specifically authorized by the Board. He/She (They) shall not be permitted to vote or introduce or support motions, but may otherwise participate in the discussions as any other Board member.
5. Any business desired to be presented by a student as part of the formal Board Agenda must be submitted to the superintendent seven (7) calendar days prior to the meeting. A calendar of all regularly scheduled Board meetings will be provided to each student representative at the start of their term of office.

LEGAL REF: MCL 380.11a

**Adopted: May 9, 2005**

The board shall annually establish and review a set of long-range 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 board in order to ensure that students are able to function effectively in their environment, employment, and continuing educational efforts.

The board shall participate in long-range planning through an annual meeting with the superintendent and senior staff 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.

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

The superintendent shall provide opportunities for interested patrons to become knowledgeable and participate in the district long-range planning process, and to review and make recommendations concerning specific district long-range plans.

The superintendent shall give the board periodic reports each year on the progress and success of various plans, and shall ensure that similar progress reports are available to the news media and to district patrons.

**Adopted April 15, 2002**

**1115 Acceptance of Office**

**1115**

The board secretary 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 the oath of office as prescribed by law.<sup>12</sup>

LEGAL REF: MCL 600.1440; 4.121

**Adopted April 15, 2002**

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<sup>12</sup> MCL 380.1102

## **1150 Board Officers**

**1150**

The officers of the Board shall be president, vice-president, secretary, and treasurer, and such assistant secretaries and assistant treasurers as the Board determines. All officers shall be Board members. Assistant Secretaries or Assistant Treasurers need not be board members.

### **President - Duties**

The president shall:

- Preside at all meetings of the Board;
- Appoint committees;
- Countersign orders legally drawn by the secretary upon the treasurer for money to be disbursed on behalf of the district;
- Call special meetings of the Board when he/she shall deem it necessary;
- Cause an action to be prosecuted in the name of the district on the treasurer's bond in the case of a breach of a condition of the bond, and
- Perform other duties appropriate to the duties of the office of president (Chairman) in the management of the district.

### **Vice President (Vice Chairman) - Duties**

- Preside at Board meetings when the president is unable to attend;
- Perform other duties appropriate to the duties of the office of vice president, and
- Succeed to the office of president when a vacancy in that office occurs.

**Secretary – Duties** (At the option of the Board, selected duties may be assigned to District staff.)

- Act as clerk at meetings of the Board;
- Record and sign the minutes of meetings, orders, resolutions, and other proceedings of the Board in proper record books;
- Prepare reports as required by the state board;
- Draw and sign orders upon the district treasurer for money to be disbursed by the district. Each order shall be properly numbered and dated, shall

specify the sources of the funds called for, the purpose for which, and the fund upon which the order is drawn;

- Serve on the School District Election Coordinating Committee (this duty may be delegated to the Superintendent, or his/her designee), and
- Perform other duties required by law and by the Board.

**Treasurer – Duties** (At the option of the Board, selected duties may be assigned to District staff.)

- Have care and custody of all moneys of the district;
- Keep proper books of account;
- Keep an account of interest received from invested school funds, and credit interest received to the appropriate fund accounts;
- 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 orders signed by the secretary and countersigned by the Board president;
- Perform other duties the Board may prescribe in its bylaws relating to the administration of district funds;
- Deposit funds of the district with a bank or banking corporation or trust company designated by the Board in the proportion and manner directed by the board;
- Pay orders of the secretary when lawfully drawn and countersigned by the president out of the money belonging to the fund upon which the orders are drawn;
- Cause a record book to be kept in which money received and disbursed shall be entered, the sources from which money is received, and the person to whom and the objects for which money is paid;

- Present the Board at the close of the school year a written report containing a statement of money received during the year and of each disbursement made, and
- Perform other duties required by law or by the Board.

**Duties of Trustees**

- Have care and custody of all school property.
- Oversee the implementation of Board Policies, and
- Serve on ad-hoc, advisory, or standing committees as determined by the Board.

LEGAL REF: MCL 380.11a, 168.4, 380.1201

**Adopted April 15, 2002**

**Revised: May 9, 2005**

Election of Board officers shall occur at the annual organizational meeting of the Board held on the first regularly scheduled meeting in January, at 7:00 p.m. in the Board Room located at the Karl Richter Campus, 920 Baird Street, Holly, in the District, or an announced alternate location.<sup>13</sup>

The length of term for the Board officer positions shall be one year from the Board's organizational meeting to just prior to the next annual organizational meeting.

The Superintendent will chair the Board's organizational meeting until a president is elected. At the organizational meeting, the election of the president is the first order of business after the role is called.

In the event the Superintendent is unable to chair the Board's organizational meeting, an Assistant Superintendent will chair the organizational meeting until a president is elected.

LEGAL REF: MCL 380.11a

**Adopted April 15, 2002**

**Revised: November 17, 2008**

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<sup>13</sup> MCL 380.1101 Under the Revised School Code, a local board of education may hold its organizational meeting at any time set in its bylaws. If the district holds its regular elections in June, new board members begin their terms July 1. It makes sense, therefore, to hold the organizational meeting sometime in July. In districts holding November elections, the organizational meeting should be held in January to accommodate the new board members who take office January 1. Intermediate School Districts must hold their organizational meetings between July 1 and the fourth Monday of July. MCL 380.613. MASP strongly recommends that all of the following be done at the annual organizational meeting: 1. Elect officers. 2. Set the schedule for regular meeting dates. 3. Designate depositories for school funds. 4. Designate a person for posting notices of meetings.

Any officer of the Board may be removed by a vote of two thirds of the membership under such form of procedure as the majority of the board may direct for the specific occasion. The Board shall elect another board member to the office.

LEGAL REF: MCL 380.11a

**Adopted April 15, 2002**

Newly elected members of the board shall be invited to attend all meetings of the board prior to the time they officially take office. Newly elected and newly appointed board members shall be encouraged to attend workshops for new board members. (Cf.1162)

Present members of the board and the superintendent shall conduct an appropriate orientation program designed to acquaint new board members with the district, board policy, duties, responsibilities and other activities.

Newly elected board members shall receive copies of all agenda, reports and other communications normally received by regular board members except information or material of a confidential nature. New members shall be given a copy of the Board's policies and bylaws, administrative regulations and copies of pertinent materials developed by the State School Board Association.

LEGAL REF: MCL 380.11a

**Adopted April 15, 2002**

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.

The superintendent and board secretary are responsible for authorizing requests for attendance of board members at approved meetings if the requests come within budgeted appropriations and limitations.

The superintendent and board secretary shall consult with the board president in situations where funds may not be available for a specific activity or when a determination is necessary as to who shall attend a given activity when more requests are received than can be honored. The president and superintendent may bring recommendations to the board on such matters for final determination.

Funds for participation at all activities shall be budgeted for on an annual basis.

#### Board Certification

The board encourages each board member to become certified through the Michigan Association of School Boards Board Member Award Program during the first two years in office.

Expense reimbursement shall be in accord with policy bylaws and procedures on board reimbursement.

LEGAL REF: MCL 380.11a; 380.1254; 388. 1764b

**Adopted April 15, 2002**

The board authorizes compensation for its members for attendance at any regular, special or subcommittee meeting of the board, or authorized duty if the duty is related directly to the members' responsibility and is authorized in advance by the board.

Each member of the board shall receive the sum of \$200.00 annually for his/her expenses, payable \$100.00 in December and \$100.00 in June of each year. He/she shall be entitled to necessary expenses for attendance at meetings and conventions as authorized by the Board.

LEGAL REF: MCL 380.11a; 691.1409

**Adopted April 15, 2002**

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<sup>14</sup> A local board may adopt a compensation system for attendance at meetings and other activities only by exercising its general powers. In order to validate a bylaw on compensation, the board must demonstrate that: 1. Compensation for board members is incidental to a school function, i.e., having a governing board; 2. The function of having a governing board whose members are compensated relates to the operation of the district; 3. Board compensation is in the interests of public education in the district; and 4. There is no law prohibiting the compensation of local school board members for the activities described in the compensation plan. MCL 380.11a.

Board members shall be reimbursed for actual and necessary expenses incurred as a result of attendance at board-approved workshops, seminars, conferences, or conventions.<sup>16</sup>

To receive reimbursement for an expense listed in this policy, an expense voucher, together with supporting receipts or other evidence of actual expenses, shall be submitted to the district business office for processing. Payment will be made after the board approves the reimbursement through routine budget procedures.

Expenses for spouses accompanying board members are not reimbursable.

LEGAL REF: MCL 388.1764b

**Adopted April 15, 2002**

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<sup>15</sup> MCL 388.1764b (2)(a)(b) (“In addition to the requirements of section 1254 of the revised school code, the board of a district or intermediate district shall not approve reimbursement of an expense incurred by a board member unless 1 or both of the following conditions is met: (a) The board, by a majority vote of its members at an open meeting, approved reimbursement of the specific expense before the expense was incurred. (b) The expense is consistent with a policy adopted by the board, by a majority vote of its members at a regular board meeting, establishing specific categories of reimbursable expenses and the board, by a majority vote of its members at an open meeting, approved the reimbursement before it is actually paid.”)

<sup>16</sup> MCL 380.1254 (A school board may only pay for “actual and necessary” expenses incurred by a member of the board or school district employee in discharging his or her “official duties” or in performing “functions authorized by the board.”)

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 acceptance of the office, including an affidavit of eligibility, with the School District Election Coordinator, and shall take the oath of office prescribed by law. The appointee shall hold office until the next annual school election.

Resignations are effective without acceptance or approval by the Board.

Process

When a vacancy on the Board occurs, the Board, in filling the vacancy, shall use the following procedures:

- (a) The Board President, through public announcements in the news media, shall make known the vacancy has occurred and those persons interested in being considered for appointment should notify the Secretary of the Board by the deadline established by the Board,
- (b) The Board shall establish the criteria used in making the appointment,
- (c) 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. The full Board will do candidate screening in public session unless the candidate requests confidentiality, as provided in state law,
- (d) Those candidates screened for further consideration shall be interviewed by the Board in public session, and
- (e) The Board, by roll call vote of a majority of those elected, appointed, and serving, shall determine which candidate shall be appointed to fill the vacancy.

LEGAL REF: MCL 15.261-15.275 (Michigan Open Meetings Act), 168.310-11, OAG, 1977-1978, No 5262, p 338 (January 31, 1978), OAG, 1983-1984, No 6124, p 36 (February 9, 1983)

**Adopted April 15, 2002**  
**Revised: May 9, 2005**

In the event of a vacancy in the office of president, the vice president shall become president.

In the event of a vacancy in any other office, the board shall fill the vacancy by election at the next regular board meeting.

**Adopted April 15, 2002**

### Special Committees

The Board may establish committees as it deems necessary to support the work of the full Board and to expedite its decision-making.<sup>17</sup> Committees should support the Strategic Plan and Mission of the District.

Two types of committees may be established:

**Standing** – Standing committees are those that are generally re-appointed by the Board on an annual basis to perform on-going activities such as financial and policy audits. No committees shall exist longer than one year unless re-appointed by the Board.

**Ad-hoc** – Ad-hoc committees are temporary in nature and charged with a task (charter) specifically defined by the Board.<sup>18</sup> Ad-hoc committees shall limit activities and considerations to policy matters and recommendations. These committees may have non-board members and are often created to gather information concerning a specific topic. Ad-hoc committees shall be disbanded when their task is completed.

In addition to committees, liaisons may be appointed for various district school buildings, school organizations, and other groups as decided by the Board.

### Appointments

The President shall appoint all committee members. Up to three Board members can be appointed to a single committee. The committee members will select a chairperson.

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<sup>17</sup> Recent opinions of the Michigan Supreme Court and the Michigan Court of Appeals have broadly construed the Open Meetings Act to include advisory committees that perform a governmental function even if the committee has only one member. The exceptions to the Open Meetings Act are very strictly construed. If the advisory committee is performing a ministerial function it does not have to comply with the act. But if the advisory committee is asserting any amount of governmental authority, i.e. making any type of decision for the board it must comply with the Open Meetings Act. *Booth Newspapers, Inc. v University of Michigan Bd. Of Regents* 507 NW2d 422, 444 Mich 211 (1993) (holding that the Board of Regents violated the Open Meetings Act when it appointed itself as the Presidential Search Committee and then conducted private interviews of potential candidates with advisory committees that were less than a quorum); *Federated Publications, Inc. v Board of Trustees of Michigan State University*, 561 NW2d 433, 221 Mich App 103 (1997) (holding that the Presidential Search Committee which did not constitute a quorum nevertheless violated the Open Meetings Act because it reduced the list of candidates from 150 to 4 in private—any reduction of the list of potential candidates needed to be done in public because this was the exercising of governmental authority).

<sup>18</sup> Each school board must appoint a committee for reviewing reinstatement petitions by parents or guardians following the latter's expulsion for possessing a dangerous weapon on school grounds or for committing arson or criminal sexual conduct in a school building or on school grounds. MCL 380.1311. A school district that provides instruction in sex education must establish an "advisory" board called a committee, to review the materials used for sex education and make recommendations regarding the same. MCL 380.1507.

In appointing members of committees, the President shall consider the recommendations of the Superintendent, other members of the administrative staff, and individual Board members. The Superintendent shall appoint staff members to each committee as requested by the Board.

**Organization**

The chair of the committee shall call a meeting for the purpose of organizing. At said meeting the chair shall inform the committee of the area of its jurisdiction and the matters the Board wishes the committee to consider in making its recommendations to the Board. A draft charter shall be developed by the committee and presented to the Board.

Each committee shall organize itself with assistance from the Superintendent. The Superintendent shall provide appropriate district material to each committee. 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.
- Assign such school personnel to assist the committee in its study as the situation warrants. The Superintendent shall exercise his/her discretion in providing such personnel.

At the request of the committee or upon the initiative of the Board, limited financial assistance may be given to the committee. The Board may request committees to submit budget requests to the Board for approval.

Whenever, in the opinion of the Board, there is no longer need for a specific committee, the Board shall dissolve such committee by appropriate Board action. Each member of the committee shall be notified of the Board's action.

**Authority**

Any authority delegated to the committees must be documented in the committee charter and authorized by the Board. Committees may hold hearings only upon approval of the Board.

**Meetings**

Committees shall meet as frequently as it deems necessary to accomplish the mission assigned to it by the board.<sup>19</sup> All committee meetings shall be posted and open to the public.<sup>32</sup>

The following is a recommended order of business which should be followed by each board appointed or authorized committee: (1) call to order; (2) call the roll; (3) present the minutes of the previous meeting (most often sent in advance); (4) state the purpose for holding the meeting; (5) state briefly the program for the meeting; (6) discuss and resolve agenda items as they appear; (7) consider new business (within the authority of the committee); and (8) adjourn the meeting.

**Minutes**

The Board shall be furnished with the minutes of each committee meeting within ten days following the meeting. All minutes of the committee will be filed with the secretary of the Board.

**Status Reports**

It shall be the responsibility of the Chair to report to the Board on the progress and activities of the committee at least once every three months or as directed by the Board.

All reports submitted to the Board shall contain the date, committee name, members present at the committee meetings, and results or recommendations.

LEGAL REF: MCL 380.11a; 15.263; AG Opinion #5183, #5183A, #5286

**Adopted April 15, 2002**

**Revised January 26, 2004**

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<sup>19</sup> Boards should adopt bylaws for its committees and procedures, including: types of committees, names of each committee, charge to each committee, method of appointing committee members, method of selecting or appointing committee chairpersons, determination of whether the board wishes to establish open meeting requirements for its advisory committees, style of committee reports, and methods for receiving committee reports.

The board, in all phases of district operations, will endeavor to work through the **superintendent**, who shall direct district employees in regard to such operations unless mutually agreed upon between the board and the **superintendent**. The board shall extend to the **superintendent** responsibility for implementing board policy decisions.

LEGAL REF: MCL 380.11a

**Adopted April 15, 2002**

The board may select and appoint qualified individuals or firms to provide the following professional services for the district: legal, insurance, architectural, and auditing/accounting.<sup>20</sup>

The following criteria shall be considered by the board in its selection and appointment: certification and/or licenses; and training and experience, including that of partners and associates.

The **superintendent** shall be responsible for gathering appropriate background information and other information as requested by the board prior to any interviews or decisions by the board.

The board shall accept bids and contract with an auditor for a three (3) year period with the option to cancel after the first year audit for unsatisfactory service. In the final year of a three-year contract, the Assistant Superintendent/Administrative Services will recommend to the Board either an extension with the current auditor or the invitation for new bids.

**Adopted April 15, 2002**

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<sup>20</sup> MCL 380.11a (4) (“A general powers school district may enter into agreements or cooperative arrangements with other entities, public or private, or join organizations as part of performing the functions of the school board.”)

## **1191 Attorney**

**1191**

The Board shall retain a qualified attorney and/or legal firm to handle all legal matters referred by the Board and to receive such compensation as the Board may provide. The Board shall employ legal counsel to represent the school district or Board in all legal actions brought for or against the district. This shall be done annually at the Organizational Meeting, as described in Policy 1152. The Board, at its discretion, may authorize the performance of other legal services by its legal counsel. The duties of the attorney or legal firm shall be as follows:

1. Upon request of the Board president or **superintendent**, attend the meetings of the Board and act as counselor;
2. Render a written opinion on a legal question when requested by the Board;
3. Prepare or supervise the preparation of all legal papers and documents which shall be executed by the Board officers; or shall approve same before execution thereof by the officers;
4. Provide such opinions or other legal information to the **superintendent** which may be necessary for the immediate or long-range conduct of the district;
5. Represent the district as specifically designated by the Board in litigation to which the district may be a party or in which it is interested;
6. Shall, upon request, represent the Board in the purchase or sale of any real estate;
7. Attend to and act on any matters the Board refers to him/her for supervision, adjustment, and/or disposal;
8. Assist and advise the Board in preparing all questions to be placed upon the ballot for regular or special elections;
9. Periodically provide progress reports to the board on legal matters referred; and
10. Perform such other services as requested by the Board.

Compensation for duties and services shall be agreed to by the attorney and the Board in the retention agreement which shall set forth the annual retainer and supplemental charges.

Only the president or **superintendent** are authorized to contact the attorney on legal matters concerning the district.

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

In any dispute or potential divergence of interests between the Board and **superintendent**, the **superintendent** shall not utilize the district's counsel to represent his/her interest.

LEGAL REF: MCL 380.11a

**Adopted April 15, 2002**

**Revised: May 9, 2005**

The employment of consultants with fees of \$10,000 or greater shall require approval of the board. Before making any commitment, the board may require the submission of a written proposal which can be incorporated into a written contract. The proposal shall 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 delivery of the “product” to the board; and
6. The consultant’s compensation, if any.

LEGAL REF: MCL 380.11a

**Adopted April 15, 2002**

The board authorizes the **superintendent** to provide suitable remembrances on behalf of the district for a deceased employee or student.

**Adopted April 15, 2002**

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** and board president shall be responsible for developing a recognition program for the district.

**Board Member Recognition**

A certificate of service shall be presented to each board member who completes at least four years of service on behalf of the district.

The board may give appropriate recognition to those members whose service extends for a period of ten or more years by passing a resolution recognizing the board member's service or by other appropriate means as determined by the board.

**Staff Recognitions**

The board may provide appropriate recognition for staff members who have completed ten, fifteen, twenty, twenty-five and thirty-five years of service to the district.

**Staff Retirements**

Retiring staff members who have completed at least fifteen years of service to the district shall receive appropriate recognition by the board. The **superintendent** shall inform the board at the beginning of each school year of potential retirees eligible for recognition.

LEGAL REF: MCL 380.11a

**Adopted April 15, 2002**

**Organizational**

The Board will hold its organizational meeting in January (November elections) when the Board shall select its officers.

**Regular**

The Board shall hold at least one regular meeting each month. The regular meetings shall be held on a scheduled Monday(s) each month at 7:00 P.M. in the Board Room, located in Karl Richter Campus, 920 Baird Street, Holly, Michigan.

The Board meeting schedule will be established in July to stay current with the school year. A notice of the regular meeting schedule shall be posted at the entrance to the principal office of the Board, and the principal office of the District, within ten days of approval.

The schedule of regular meetings or the regular meeting date may be changed by the Board as provided in current law. All regular meetings will end by 11P.M. unless voted on and approved by a majority of the Board members to extend the meeting.

**Special Meetings**

Special meetings of the Board may be called by the president (Chair) of the Board, or by two Board members by providing the other Board members a written notice of the date, time, and place of the special 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 18 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 be by a Board member or an employee of the district.

**Emergency Meetings**

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.

**Information/Work Study Sessions**

Information/work or study sessions of the Board shall be held as called by the president. Such sessions shall be open to the public and properly posted as Board meetings. No action by the Board shall be taken at such meetings.

**Adjourned Meetings**

Meetings may be adjourned and reconvened as provided by law.

LEGAL REF: MCL 15.261-275; 380.613; 380.1031; 380.1201

**Adopted April 15, 2002**

**Revised: May 9, 2005**

**Revised: November 17, 2008**

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 agenda is usually delivered by the Thursday before the regular meeting.

The board agenda shall be compiled by the president in cooperation with the **superintendent** and shall include a period of time when the public may speak to the board. Other board members may request items to 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 four days in advance of the meeting at which it is desired to have the item discussed. 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 or discuss the issue.

Business items not placed on the agenda upon the request of a member or the public may be added to the agenda at the discretion of the President or by a majority vote of the members elected to and serving on the board.

The annotated agenda shall be sent to all board members at least 24 hours prior to any regular board meeting. The annotated agenda may include the following information; however, other items and reports may be added as the need arises: the agenda format including items to be discussed and board procedure; monthly reports to the board; financial reports; important correspondence; bids specifications; attendance center reports; requests for hearing and other such information.

Consent Agenda

The president may place routine matters in a single consent agenda item for action by the board. Any board member may request that a consent item be removed and considered separately at any time prior to final vote on the consent agenda.

Approval of the consent agenda shall be by vote according to the board bylaws on motions and votes.

LEGAL REF: MCL 380.11a

**Adopted April 15, 2002**

The order of business at a regular meeting of the board may include some or all of the following:

- A. Call to Order<sup>21</sup> and Pledge of Allegiance
  - Date of Meeting (MCL 15.269(1))
  - Place of Meeting (MCL 15.269(1))
  - Type of Meeting (MCL 15.261 *et seq.*)  
(Regular Meeting, Special Meeting, or Emergency Meeting)
  
- B. Roll Call
  - Members Present (MCL 15.269(1))
  - Members Absent (MCL 15.269(1))
  - Others Present
  
- C. Audience Participation
  
- D. Additions and Deletions to Agenda
  
- E. Consent Agenda
  - Approval of Minutes and Corrections
  - Acceptance of Reports and/or Committee Reports
  - Investment Results
  - Approval of Bills/Reimbursement of Expenses
  
- F. Board Recognitions and Remembrances
  
- G. Communications
  - MASB Mailings/Information Received
  - Other Board Membership Mailings Received
  - Materials/Information Mailed Out
  - MHSAA Issues (Bylaws and Policy Changes)
  
- H. Commendations
  
- I. Goals Updates (School Improvement Plans, Strategic Plans)
  - School Goals
  - Director's Goals
  
- J. Curriculum Issues
  - Reports to the Board
  
- K. Bylaws and Policy Issues
  - Emerging Topics
  - Amendment to Existing or New Bylaw - Policy Topic(s)
  - First Reading/Discussion
  - Second Reading/Adoption
  - Deletion of Bylaw - Policy

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<sup>21</sup> 1978 Mich. Op. Atty. Gen. 5323 A moment of silence held at the beginning of a board of education meeting does not violate any provision of the United States Constitution or the Michigan Constitution regarding establishment of religion.

**1320-R Agenda**

**1320-R-2**

- L. Personnel Issues
  - Tenure
  - Contracts
- M. Student Issues
  - Expulsion
  - Student Learning
- N. Operational Issues
  - Buildings and Grounds
  - Insurance
- O. Financial Issues
  - Competitive Bids
- P. **Superintendent's** Comments
- Q. Public Participation
- R. Up-Coming Workshops/Meetings, etc.
- S. Board Member Comments
- T. Closed Session (MCL 15.281 *et seq.*)
- U. Next Regular or Special Meeting
- V. Adjournment

The above order of business may be changed during item (D.) by consent of the board at any board meeting.

**Adopted April 15, 2002**

Meetings of the board shall be governed by *Robert's Rules of Order, Revised*, except in cases of conflict with law or board bylaws. Rules may be amended at any meeting by a majority vote of the Board. The order of Business may also be suspended at any meeting by a majority vote of the Board.

Quorum

A majority of the members elected to and serving on the board shall constitute a quorum. (This means that no action is valid unless at least four members vote to support that action.) In specific instances, when required by law or elsewhere in these policies, a two-thirds majority of the members elected to and serving on the board is required to validate an action. (This means that no action is valid unless at least five members vote to support that action.)

LEGAL REF: MCL 380.1201; AG Opinions

**Adopted April 15, 2002**

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.”<sup>22</sup> 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.

#### Conflict of Interest

Before voting on any contract, each board member shall determine whether he or she has a direct or indirect personal interest in the contract. If a personal interest exists, the board member shall disclose the conflict of interest and shall abstain from voting on the contract. The minutes must record his or her abstention.

If the board member will benefit financially from the contract by \$250 or more, or by 5% or more of the public cost of the contract, he or she shall disclose his or her interest to the board in the following manners, unless the contract is for emergency repairs or services:

- (A) If the benefit of the contract to the board member is \$5,000 or more, the board member shall disclose his or her interest at a school board meeting. The board shall not vote on the contract at the meeting where this disclosure is made, but shall schedule another meeting for the vote. The board shall wait at least 7 days following the meeting at which the conflict is disclosed before voting on the contract.
- (B) If the benefit from the contract to the board member is at least \$250 or 5% or more of the contract cost, but not more than \$5,000, the board member shall make a written disclosure

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<sup>22</sup> 1978 Mich. Op. Atty. Gen. No. 5262. The Open Meetings Act prevents a public body from voting at a public meeting by secret ballot.

**1350 Voting Method**

**1350-2**

to the president of the board at least 7 days before the meeting at which a vote will be taken on the contract (this disclosure must be made public in the same manner that public notice is given for the board meeting); **or** as an alternative, the board member may choose to disclose the benefit at a school board meeting in the same manner as required in paragraph "A."

In both cases, the disclosure shall become a matter of record in the minutes. The minutes must also show: (1) the name of each party involved in the contract; (2) the terms of the contract (duration, financial consideration, facilities or services of the school district included in the contract, and nature and degree of assignment of district employees for fulfilling the contract); and (3) the nature of any pecuniary interest.

The motion to approve the contract must then pass by a 2/3 vote of the board members elected to and serving on the board without the vote of the abstaining member.

If the amount of the direct benefit to the board member is less than \$250 and less than 5% of the public cost of the contract, the board member shall file a sworn affidavit with the board stating so. In this instance, or if the contract involved is for emergency repairs or services, the board member shall as a minimum disclose the conflict of interest at the meeting at which the matter is to be voted on.

LEGAL REF: MCL 388.1769b; Public Act 145 of 1997

**Adopted April 15, 2002**

The secretary or temporary 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 by the board 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, the names of those who make and second all motions made at open meetings and action taken thereon, the purpose(s) for which closed sessions are called, those who vote ayes and nays (yes and no), 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 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 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.

An official record of the minutes shall be kept in the office of the **superintendent** and shall not be removed from school property except by court order or by board action.

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

LEGAL REF: MCL 380.11a; 380.1201; 380.1202; 15.269; AG Opinion #6353

**Adopted April 15, 2002**

At each meeting of the board, the president or the presiding board officer shall welcome all visitors to the board meeting.

Citizens who wish to present any matter of concern to the schools shall make written request of the secretary of the board or **superintendent** at least 24 hours prior to the 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:

- a. The public participation portion of the meeting shall be limited to one-half hour. An exception can be made so that no one's right to address the board will be denied.
- b. 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.
- c. Each person wishing to address the board may identify themselves by name and address. If the person is representing an organization or group, the person should indicate whether the comments or presentation represents the official view of the organization or group.
- d. If a delegation is present to address the board, the delegation may select up to five representatives to speak on its behalf, for a total of not more than 15 minutes.
- e. 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 or group during the meeting are considered public documents.
- f. Individuals addressing the board should take into consideration the rules of common courtesy.<sup>23</sup> The public participation portion of the meeting cannot be used to make

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<sup>23</sup> MCL 380.1808 The presiding officer may order a person who conducts himself or herself in a disorderly manner to leave the meeting. If the disorderly person refuses to leave the meeting after being disorderly or who willfully disturbs a meeting is guilty of a misdemeanor punishable by a fine of not less than two dollars and not more than fifty, or by imprisonment for not more than 30 days, or both.

**1370 Public Participation**

**1370-2**

personal attacks against a board member or district employee which are totally unrelated to the manner in which the board member or employee performs his or her duties.<sup>24</sup> If the comments constitute a complaint against a board member or employee, the board member or employee has a right to request a closed hearing.

- g. Board members may question speakers, but are not obligated to answer questions or make statements or commitments in response to issues raised by the public. In general, such issues will be referred to the **superintendent** for investigation, study, and recommendation or designated as future agenda items for board consideration.

Handling of Complaints

Any changes, complaints or challenges shall be presented to the **superintendent**, in writing, and signed by the complainant. The board shall not hear complaints at an open meeting about named district personnel unless the named person requests the board to hear the complaint at an open session.

LEGAL REF: MCL 380.11a; 380.1808; 15.263(1); 15.268

**Adopted April 15, 2002**

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<sup>24</sup> 1977 Mich. Op. Atty. Gen. 5183 Procedural matters such as the length of time that a person may address a public meeting, choosing a portion of the agenda for public participation, and requiring the speaker to identify himself or herself before speaking may be established and limited by school board rules.

At each meeting of the board, the board may provide seating for all members of the news media present and may assist in explaining any action or consideration taken by the board. The **superintendent** may provide copies of the board agenda to all news media prior to each meeting of the board upon request or as required by law.

#### Broadcasting and Taping

All meetings for the conduct of the affairs of, and the transaction of business by, the board, except committee and subcommittee meetings shall be open to the public. Broadcasting and taping of the public board meeting shall be subject to rules adopted by the board.

The use of cameras, photographic lights and recording devices at any meeting of said board shall be subject to the following rules, which are designed to ensure the orderly conduct of the proceedings.

#### Reporting Board Meetings

The media, members of the public, and staff shall be informed of actions and decisions of the board in the following manner:

The **superintendent** shall prepare a newsletter for distribution to all staff members, the **public** and the media, as soon as possible after the board meeting (typically less than 72 hours).

#### Cameras

The use of cameras at any said board meeting shall be permitted only when, in the judgment of the board, the use or proposed use of any camera will not be a disruptive influence upon the proceedings, genuinely annoying or harassing to the board or any member thereof or operated to attract undue attention to the camera or the proposed user thereof.<sup>25</sup>

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<sup>25</sup> MCL 15.263 (1) (“The right of a person to attend a meeting of a public body includes the right to tape-record, to video-tape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right shall not be dependent upon the prior approval of the public body. However, a public body may establish rules and regulations in order to minimize the possibility of disrupting the meeting.”)

**Recording Devices**

Use of recording devices at any said board meeting shall be permitted when, in the judgment of the board, the use or proposed use of any recording device will not be a disruptive influence upon the proceedings, genuinely annoying or harassing to the board or any member thereof or operated to attract undue attention to the recording device or the proposed user thereof.<sup>26</sup>

All recording devices together with all appurtenances and paraphernalia, including microphones, shall be kept in the area designated for the media; and recording devices, microphones or other appurtenances shall be allowed on, under or in the immediate vicinity of the board conference table only with board permission.

No cameras or recording devices shall be allowed at closed sessions of the board.

LEGAL REF: MCL 380.11a; 15.261 *et seq.*

**Adopted April 15, 2002**

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<sup>26</sup> 1988 Mich. Op. Atty. Gen. No. 6499 If a teacher does not request a closed session of the board for a suspension or termination hearing the board may not prohibit the taping or videotaping or broadcasting of the public meeting. However, the board may establish reasonable regulations to minimize disruption of the proceedings.

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.<sup>27</sup>

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 a 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.**

**Adopted April 15, 2002**

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<sup>27</sup> 1981 Mich. Op. Atty. Gen. No. 6019. The minutes of a closed session may be released to the public only pursuant to an order of a court in a civil action brought under The Open Meetings Act.

The **superintendent**, as the need arises, shall advise the board when he/she is of the opinion that a bylaw or policy should be changed or supplemented and present to the board the reasons therefore.

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.<sup>28</sup>

Draft Writer

The **superintendent** shall draft all recommended policy changes. New bylaws proposals and recommendations for changes shall be drafted by the **superintendent** in conjunction with the board president.

Attorney Involvement

Bylaws, policies and rules of the board may be submitted to the board's attorney to determine the legality of said bylaws and policies and rules before they are submitted to the board for final approval.

The opinion of the attorney shall be made available to all board members and **superintendent**.

Staff Involvement

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 present policies, needs for change and new policies. The **superintendent**, in formulating recommendations to the board, shall consider the recommendations made to him/her by the staff.

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<sup>28</sup> MCL 380.11a (6) (“The board of a general powers school district shall adopt bylaws. These bylaws may establish or change board procedures, the number of board officers, titles and duties of board officers, and any other matter related to effective and efficient functioning of the board.”)

Community Involvement

The board may involve members of the public in the development of board policy.

The board may advise the public, through the news media and other means, that the board welcomes suggestions and ideas in regard to board policy.

Student Involvement

The board may involve students in the development of board policy.

By classroom teacher announcements, notices in student publications and by other means, the board may invite students to submit ideas and suggestions to the board in regard to the development of board policy. In adopting or changing board policy, the board shall take into consideration those ideas and suggestions submitted by the students.

LEGAL REF: MCL 380.11a

**Adopted April 15, 2002**

## **1550 Bylaw and Policy Adoption**

**1550**

Board policies may be revised, added to, or amended at a regular or special meeting of the board by a majority vote of the members elected to and serving on the board.

### 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 which have been amended or deleted are removed from such policy manuals. Every attendance center shall have a current copy of the policy manual which 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 business office. Each board member shall be furnished 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 which shall reflect all revisions, amendments or other such actions pertaining to every bylaw, policy and rule.

### Policy Review

The board shall oversee and review its policies and rules as the needs arise or at a minimum of every five years.<sup>29</sup>

LEGAL REF: MCL 380.11a

**Adopted April 15, 2002**

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<sup>29</sup> MCL 380.11a (6)

All rules/regulations or procedures developed pursuant to the board's policies shall conform to the intent of the policies. The board gives the **superintendent** authority to develop and implement all necessary rules/regulations or procedures authorized by board policy or state statute. All rules/regulations or procedures shall be published in the appropriate staff and student handbooks.

The **superintendent** shall keep the board informed of any rules/regulations or procedures developed to implement board policy and shall periodically present them to the board for review. The board may veto any administrative rule/regulation or procedure when, in the judgment of the board, they are inconsistent with board policy or board intent.

Rules/regulations or procedures may be issued directly by the **superintendent** without adoption of board policy.

LEGAL REF: MCL 380.11a

**Adopted April 15, 2002**

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 380.11a

**Adopted April 15, 2002**

The board's bylaws and policies shall be subject to suspension upon a majority vote of the members elected to and serving on the board.

LEGAL REF: MCL 380.11a

**Adopted April 15, 2002**

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,<sup>30</sup> the **superintendent** shall be responsible for the designing and keeping of such other records as are necessary for the efficient operation of the district.

All public records of the board shall be available to citizens for inspection during regular working hours at the board office. (P-8360)

1. All information dealing directly with any meeting's actions and discussions is contained in the Agenda for that meeting.
2. Attachments referred to in an Agenda are on record for review in the board office, and they will be distributed free if sufficient quantity is available. If not, they may be reproduced at district cost.
3. Finally, the minutes of any board meeting, in draft form, will be available upon request at the board office within eight (8) working days after that meeting.

The board recognizes the need for its records to be stored as a blend of printed, bound and electronically recorded (i.e., audio tape, video tape, micro-fiche, computer disk) material. The securing, cataloging and storing of all records shall be the responsibility of the Board Secretary, with assistance from the **superintendent**.

LEGAL REF: MCL 380.11a; 380.1204(a)

**Adopted April 15, 2002**

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<sup>30</sup> MCL 380.1204a (“[T]he board shall prepare and submit to the state board not later than September 1 each year, and shall provide that each school in the school district distributes to the public at an open meeting not later than October 15 each year, an annual education report.”)

The board shall maintain membership in the Michigan Association of School Boards (MASB) and the Oakland County Association of School Boards and shall pay the annual membership fees thereof. (P-8355) The board and its members shall actively participate in the activities of these organizations insofar as possible.

The board has authorized membership in the MASB Legal Trust Fund and shall annually consider continued membership in said fund by approving payment of annual dues as determined by the MASB board of directors.

When 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 shall be distributed and used to the best advantage of the district.

Liaison with School Boards Associations

The board annually shall appoint a member(s), to serve as liaison to the Michigan Association of School Boards and the Oakland School Board Association. It shall be the responsibility and duty of the liaison member to keep the board informed of MASB and OSBA activities and call attention to board actions which might be appropriate in relationship or support of those activities. A report from the liaison representative shall be an agenda item for each regular monthly meeting.

LEGAL REF: MCL 380.11a

**Adopted April 15, 2002**

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 communications between the board, students, staff, and 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 state and national school boards associations;

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; and

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.

**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 to the district's chain of command for handling complaints or refer the complainant to the **superintendent**. The board member also shall inform the complainant the process for bringing items to the board through the board's agenda or through the public participation portion of the board meeting.

LEGAL REF: MCL 380.11a; AG Opinion #5286

**Adopted April 15, 2002**

The board believes that public school academies can serve a useful function in the education of students. In an effort to foster diversity of educational opportunity without sacrificing quality of education or unnecessary duplication, the board may enter into a contract with, and charter a public school academy(s), under the guidelines set forth in the contractual agreement and guidelines established by the **superintendent**.

#### Review

The **superintendent** has the authority to conduct a periodic review of an academies operations and finances and submit a report to the board.

#### Contract Limitations

All contracts between the board and a public school academy shall not exceed three years. Contracts may be renewed for an additional time period only by mutual written agreement between the board and the academy.

#### Audits

The **superintendent** has the authority to designate the certified public accountant who shall conduct a financial audit of the academy.

The **superintendent** shall recommend approval, modification, amendment, or rejection of all applications for public school academies to the board.

LEGAL REF: MCL 380.11a; 380.501 *et seq.*

**Adopted April 15, 2002**

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<sup>31</sup> MCL 380.501

1. Except for contracts specified in Section 5, below, a Board Member shall comply with the disclosure provisions of Section 2 of this policy in contracts where:
  - a. The Board Member is a direct party to any contract between himself/herself and the School district, or
  - b. The Board Member, directly or indirectly, solicits, negotiates, re-negotiates, represents a party to, or is an indirect party to, any contract with the School district and
    - i. Any firm, meaning a co-partnership or other unincorporated association, or in which he/she is a partner, member, or employee,
    - ii. Any private corporation in which he/she is a stockholder owning more than 1% of the total outstanding stock of any class if the stock is not listed on a stock exchange, or stock with a present total market value in excess of \$25,000.00 if the stock is listed on a stock exchange or of which he/she is a director, officer, or employee,
    - iii. Any trust of which he/she is a beneficiary or trustee
2. A Board Member shall promptly disclose any pecuniary interest in the contract to the Board of Education, which disclosure shall be a matter of record in its official proceedings. This disclosure shall be made in the following ways:
  - a. If the contract is for emergency repairs of services, the Board Member must promptly disclose any pecuniary interest in the contract which disclosure shall be made a matter of record in the Board's official proceedings.

- b. If the Board Member will directly benefit from a School District contract in an amount less than \$250.00 and less than 5% of the public cost of the contract, the Board Member must disclose his/her pecuniary interest in the contract by filing a sworn affidavit with the School Board.
- c. If the Board Member will benefit by \$250.00 or more, or 5% or more of the public cost of the contract, his/her pecuniary interest must be disclosed in one of two ways:
  - i. By notifying, in writing, the President of the Board of his/her interest at least seven (7) calendar days before the meeting at which a decision regarding the contract will be made. If the President of the Board is the individual with the conflict of interest, disclosure must be made to the Secretary of the Board. The disclosure shall be made public in the same manner as in public meeting notice, or
  - ii. By disclosing his/her interest in the contract at a Board meeting. Under this option, the Board may not vote on the relevant contract until at least seven (7) calendar days after the meeting at which the disclosure was made.
- d. If the Board Member's pecuniary interest in the contract exceeds \$5,000.00, the Board Member must disclose his/her interest in the contract at a Board meeting, and the Board may not vote on the relevant contract until at least seven (7) calendar days after the meeting at which the disclosure was made.

3. Except as provided in Section 4 below, the contract must be approved by a vote of not less than 2/3rds of the full membership of the Board of Education, meaning not less than 5 members, in open session without the vote of the Board Member making disclosure specified in Section 2. The Board of Education must disclose the following summary information in its official minutes:
  - a. The name of each party involved in the contract,
  - b. The terms of the contract, including duration, financial consideration between parties, facilities or services of the School district included in the contract, and the nature and degree of assignment of employee of the school district for fulfillment of the contract, and
  - c. The nature of the pecuniary interest.
4. If 2/3rds of the Members of the Board are not eligible under this policy 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 part of the public record of the official proceedings.
5. This policy shall not apply to:
  - a. Contracts between the School district and another public entity,

- b. Contracts awarded to the lowest qualified bidder, other than a Board Member, upon receipt of sealed bids pursuant to a published notice therefore provided such notice does not bar, except as authorized by law, any qualified person, firm, corporation or trust from bidding. Amendments or re-negotiations of a contract or additional payment thereunder which were not authorized by the contract at the time of award are not excluded from the requirements of Sections 2 through 4 above, and
- c. Contracts for public utility services where the rates therefore are regulated by the state or federal government.

LEGAL REF: MCL 15.321, *et seq.*

**Adopted April 15, 2002**

As permitted by state law, a member of the Board may serve as a volunteer coach or as a volunteer supervisor of an extra curricular activity if the following statutory conditions are met:

- The Board member receives no compensation for serving as a volunteer coach or extra curricular activity supervisor.
- The Board member abstains from voting on issues that concern the program or activity that the Board member is serving as a volunteer.
- There must be no qualified applicant available from either the staff or from the outside to fill the position that the Board member will serve as a volunteer.
- The Board member must pass, in the same manner as all other staff of the District, a criminal history/criminal records check from the Michigan Department of State Police and the Federal Bureau of Investigation.
- The Board member who seeks to serve as a volunteer coach or extracurricular activity supervisor must pay any fees, if applicable, that are needed to conduct the required criminal history/criminal records check.
- A Board member volunteer coach or supervisor of an extracurricular activity may be appointed to a one-year term annually by majority vote of the board and may be removed from the position by majority vote for any reason. The Board member who is the subject of the appointment or removal action shall not vote on the question.

**1955 Board Member Service as an Unpaid Volunteer**

**1955-2**

A Board member volunteer coach or supervisor of an extracurricular activity must abide by all rules and regulations that govern the position when it is held by a paid employee.

This bylaw does not apply to, nor would Board approval or a criminal history/background check be required, for incidental volunteer activities in positions that would not normally be “paid” positions that parents/guardians or community members might perform. These might include, but not be limited to, working at a concession stand for an athletic event, chaperoning a school sponsored dance or other activity, tutoring in a reading or mathematics program, or assisting at events like a school carnival.

LEGAL REF: MCL 15.183

**Adopted August 18, 2008**