

Series 2000: Bylaws

2200 Board Powers

2201 Board Powers/General Powers

The Board exercises powers that are expressly conferred upon the Board by Michigan Constitution or statute, and that are necessarily implied or incidental to expressly conferred powers. Except as otherwise provided by law, the Board may exercise a power incidental or appropriate to the performance of a function related to the operation of a public school and the provision of public education services in the interests of public elementary and secondary education in the District.

A. Expressly Conferred Powers

1. The Board will establish and maintain the grades, schools, programs, and departments it deems necessary, which may include grades Pre-K through 12, and may provide lifelong education, adult education, community education, training, enrichment, and recreation programs.
 - a. The Board may educate persons by:
 - i. directly operating 1 or more public schools as defined in Revised School Code Section 5(6); and/or
 - ii. causing public education services to be provided for students through an agreement, contract, or other cooperative agreement with another public entity.
 - b. The Board will:
 - i. ensure that each public school within the District is accredited or certified by the State Superintendent as having met or exceeded established standards;
 - ii. ensure that the requirements of Revised School Code Sections 1204a (annual reports), 1277a (disaggregation of data by gender for school improvement planning purposes), 1278 (core academic curriculum), and 1280 (accreditation) are met for any consortium program in which the District participates;
 - iii. ensure each student in grades 8-12 is provided with information on college-level equivalent courses;
 - iv. determine the length of the school year;
 - v. select, approve, and purchase textbooks as defined under Revised School Code Section 1421;
 - vi. administer state-required standardized tests;

- vii. adopt a Parent involvement plan; and
 - viii. adopt, implement, and annually make available to MDE a copy of a 3 to 5-year school improvement plan and continuing school improvement process for each school in the District in compliance with Revised School Code Section 1277.
2. The Board will provide for the safety and welfare of students while at school or a school-sponsored activity or event, and while traveling to or from school or a school-sponsored activity or event, as required by law.
 3. The Board may acquire, construct, maintain, repair, renovate, dispose of, or convey school property, facilities, equipment, technology, or furnishings as it deems appropriate, within applicable legal parameters.
 4. The Board may hire, contract with, schedule, supervise, or terminate employees, independent contractors, and other persons or entities to carry out District powers. The Board may defend and indemnify its employees and Board members to the extent authorized by law.
 5. The Board may receive, account for, invest, or expend public school money; borrow money and pledge public school funds for repayment; and qualify for state school aid and other public or private money from local, regional, state, or federal sources.
 6. The Board delegates to the Superintendent the authority to take action in circumstances not authorized by Board action or Policy when required to effectively maintain the District's day-to-day operations. The Superintendent should (a) promptly inform the Board of the action taken and the need for taking expedited action; and (b) report the action to the Board at the Board's first meeting after the Superintendent takes such action.

B. Limitations on Powers

1. The Board will not use money received from any source to unlawfully aid or maintain any private, denominational, or other nonpublic, pre-elementary, elementary, or secondary school. The Board may provide transportation, auxiliary services, and nonessential elective classes for students attending nonpublic schools to the extent permitted by law.
2. The Board will use public funds, including state school aid allocations, tax revenue, and bond proceeds only for designated purposes.
3. The Board will not permit a fraternity, sorority, or other secret society to operate in the District. See Policy 5511.
4. The Board will not award a high school diploma to a student unless the student meets the requirements of Revised School Code Sections 1278a and 1278b.

C. Authority

1. Consistent with Policy 2101, the general powers reside within the Board as a whole, not individual Board members. The Board speaks only through its minutes and resolutions.
2. Consistent with Policy 2503, Board action is not valid unless approved by a majority vote in a lawfully convened meeting.

Legal Authority: Const 1963, art 8, §2; MCL 380.5(6), 380.11a, 380.1146, 380.1153, 380.1216, 380.1217, 380.1277, 380.1278a, 380.1278b, 380.1280, 380.1280a, 380.1282, 380.1284, 380.1294, 380.1321, 380.1322, 380.1421, 380.1422, 380.1472, 380.1804, 380.1807, 380.1816; MCL 388.1766b; MCL 691.1408; Mich Admin Code R 340.281, 340.282 (transportation services for nonpublic school children), 340.291-.295 (auxiliary services for nonpublic school children); *Tavener v Elk Rapids Rural Agric Sch Dist*, 341 Mich 244 (1954)

Date adopted: July 1, 2024

Date revised:

Series 2000: Bylaws

2300 Board Member Conduct

2303 *Violation of Board Code of Ethics*

The Board is responsible for enforcing the Code of Ethics (Policy 2302) for its members.

- A. If it is suspected or alleged that a Board member has violated the Code of Ethics, the following may occur:
 - 1. The President (or Vice President, if the President is the focus of the inquiry) may confer with that Board member to determine whether the suspected or alleged violation is disputed.
 - a. If the suspected or alleged violation is not disputed, the President/Board may propose how the member may remedy the violation; or
 - b. If the suspected or alleged violation is disputed, the Board may initiate an investigation by an affirmative vote of a majority of the members elected or appointed to and serving on the Board.
 - 2. The Board may discuss the alleged violation as an agenda item at a Board meeting. At the affected Board member's request, the Board may convene in a closed session under the Open Meetings Act to consider complaint(s) or charge(s) brought against the Board member.
- B. If the violation is admitted or the Board determines that a disputed violation has been established by at least a preponderance of the evidence, the Board may consider:
 - 1. whether to publicly censure the Board member, which action may include adopting a formal Board resolution reprimanding the Board member;
 - 2. whether to remove the Board member from committee assignments;
 - 3. whether to remove the Board member from any Board office or position (e.g., Vice President, Secretary);
 - 4. whether the violation rises to the level of gross neglect of duty or corrupt conduct in office, or other misfeasance or malfeasance, warranting referral to the Governor pursuant to Michigan Constitution, Article V, §10 for possible suspension or removal from public office;
 - 5. whether the violation may constitute a criminal violation of the Revised School Code, the Michigan Penal Code, or other applicable Michigan law, warranting referral to local law enforcement; and
 - 6. any other act authorized by law.

Legal Authority: Const 1963, art 5, §10, Const 1963, art 11, §1; MCL 380.619, 380.1107,
380.1804, 380.1815, 380.1816, 380.1230, 380.1230a, 380.1230b

Date adopted: July 1, 2024

Date revised:

Series 2000: Bylaws

2400 Board Membership and Duties

2401 Board Member Elections

Board members are elected by the District's electors at the District's regular election, which is held on the first Tuesday after the first Monday in November of even-numbered years.

At least 1 Board office must be on the ballot for each regular election of the District.

The Michigan Election Law governs the District's election procedures.

The District's elections are conducted by the District's election coordinator, as that term is defined by the Michigan Election Law.

Legal authority: MCL 168.301, 168.302, 168.641, 168.642c; MCL 380.1206

Date adopted: July 1, 2024

Date revised:

Series 2000: Bylaws

2400 Board Membership and Duties

2405 Board Officers

Board officers will consist of a President, Vice President, Treasurer, and Secretary. Board officers must be Board members.

A. Election of Board Officers

1. The Board must elect a President and Vice President. The Board may also elect a Treasurer and Secretary.
2. Board officer elections will take place at an organizational meeting of the Board.
3. A candidate for a Board officer position must receive a majority vote of the Board members then serving on the Board.
 - a. If no person receives a majority vote in an initial vote, the candidates for a second vote will consist of:
 - i. the 2 persons who received the most votes; or
 - ii. if more than 2 persons are tied for the most votes received, all persons tied for most votes received; or
 - iii. if 1 person received the most votes and there is a tie for second place, the person who received the most votes and the persons tied for the second place.
 - b. The process for narrowing candidates will be repeated in subsequent voting rounds.
4. Elected Board officers will serve in that capacity until the following year's organizational meeting at which board officers are elected, unless a Board member resigns from the officer position or a Board majority votes to remove that Board member from the officer position.

- B. If the Board does not elect a Secretary, the President must appoint a Board member to the vacant office. If the Board does not elect a Treasurer, the President must appoint a Board member to the vacant office.

C. Removal of Board Officers

The Board, by a majority vote of the members then serving, may remove a Board officer from the officer position, with or without cause.

D. Board Officer Vacancies

1. If the office of President becomes vacant, the Vice President will succeed to the office of President for the balance of that office's term.
2. If the office of Vice President or Secretary becomes vacant, the Board must promptly elect a Board member to fill that vacancy.
3. If the office of Treasurer becomes vacant, the Board must promptly elect a Board member to fill that vacancy.
4. A person elected or appointed to a vacant Board office will serve in that office for the balance of that office's term.

E. Assistants to the Secretary and Treasurer

1. The Board may appoint an assistant to the Secretary and an assistant to the Treasurer who are not required to be Board members.
2. The Board may remove an assistant to the Secretary or an assistant to the Treasurer by majority vote. After a removal, the Board may appoint a person to fill the vacant position.

Legal authority: MCL 380.11a

Date adopted:

Date revised:

Series 2000: Bylaws

2500 Board Meetings and Open Meetings Act Compliance

2501 Meetings

Board meetings must be conducted in accordance with the Open Meetings Act.

A. Notice

1. The Board must publicly post its regular meeting schedule within 10 calendar days after the Board's first meeting in each calendar or fiscal year. The notice must include the dates, times, and places of the regular meetings. If the regular meeting schedule is changed, the Board must publicly post the revised regular meeting schedule within 3 calendar days after the Board meeting at which the change was made.
2. Special meeting and rescheduled regular meeting notices must be posted at least 18 hours in advance of a special or rescheduled regular meeting.
3. Regular, rescheduled regular, and special meeting notices must be posted at the Board's principal offices. The notice, or a prominent and conspicuous link to the notice, also must be posted on the District website's homepage as required by the Open Meetings Act, if the District's website is updated at least monthly with meeting agendas or minutes.
4. Meeting notices must contain:
 - a. the name, address, and telephone number of the Board;
 - b. the time, date, and place of the meeting;
 - c. a statement where official minutes are stored and available for inspection; and
 - d. a disability accessibility notice.
5. Emergency meetings may be held without complying with the above-described notice requirements in the event of a severe and imminent threat to the health, safety, or welfare of the public, and two-thirds of the Board members elected or appointed to and serving on the Board determine that delay would be detrimental to efforts to lessen or respond to the threat. The Board will provide notice of an emergency meeting in compliance with the Open Meetings Act.
6. Public hearing notices must contain a description of the purpose(s) for which the public hearing will be conducted to the extent required by law.
7. The notice for an electronic Board meeting must comply with Policy 2501A.

B. Quorum

1. A quorum of the Board means a majority of the Board members elected or appointed to and serving on the Board, unless different quorum and voting rules are otherwise provided by law.
2. All deliberations of a quorum of the Board must take place at a meeting that is open to the public, unless closed session deliberations are permitted by law.
3. All decisions made by the Board constituting a quorum of its members must take place at a meeting that is open to the public, except as otherwise provided by the Open Meetings Act.

C. Meeting Types

1. The Board will hold its regular meetings at the dates, times, and locations specified in the District's annual notice published pursuant to the Open Meetings Act. If the notice is amended, then meetings will be held according to the amended notice.
2. Special, rescheduled regular, or emergency meetings may be called by the President, the Superintendent, or two Board members. Notice of such meetings will be provided in accordance with the Open Meetings Act.
3. The Board may, in compliance with the Open Meetings Act, hold work sessions and retreats to provide Board members and administrators with the opportunity to plan, research, and engage in discussion.
4. The Board may meet as a committee of the whole. See Policy 2505(C).

D. Closed Session

1. The Board may meet and deliberate in closed session only for 1 or more purposes authorized by the Open Meetings Act.
2. Depending on the closed session purpose(s), the Open Meetings Act may require a two-thirds roll call vote for the Board to meet in closed session. A vote to enter closed session must be made in open session.
3. Closed session meeting minutes must be kept confidential. Board members must keep matters discussed and documents received confidential unless otherwise authorized by the Board or law. See Section G, below.
4. All discussions in closed session are limited to the purpose(s) identified in the motion calling the closed session.
5. The Board will determine the non-member attendees for a closed session unless attendance is required by Policy or law.
6. No decisions will be made during a closed session.

E. Meeting Cancellation

The Board is legally required to hold at least 1 public meeting each month. The President or designee may cancel a Board meeting if the President or designee determines that a quorum of the Board will not be present for the meeting, there is no business for the Board to conduct at the meeting, or it would be unreasonable or dangerous for Board members or the public to attend the meeting (e.g., inclement weather). The President or designee will ensure that a District staff member posts notice of the cancellation on the District's website on the same day as the cancellation. If necessary, a cancelled meeting will be rescheduled.

F. Electronic Board Meetings and Remote Participation

Electronic Board meetings may be held, and a Board member may participate in a Board meeting remotely, as authorized by Policy 2501A.

G. Minutes

The Board will keep minutes of each Board meeting in accordance with the following:

1. The Secretary will record and maintain meeting minutes.
2. The Secretary, or an acting Secretary in the absence of the Secretary, will sign meeting minutes.
3. Meeting minutes must comply with the Open Meetings Act.
 - a. Open session meeting minutes.
 - i. Minutes for a meeting open to the public will include at least the following information:
 - A) the meeting date, time, and location;
 - B) the Board members present for or otherwise participating in the meeting;
 - C) the Board members absent from the meeting;
 - D) Board decisions;
 - E) the purpose(s) for which any closed session meeting was held and the specific provision(s) of the Open Meetings Act that permitted the closed session;
 - F) any roll call votes conducted by the Board; and
 - G) corrections, if any.

- ii. The Board must make proposed open session meeting minutes available for public inspection within 8 business days after the applicable Board meeting.
 - iii. The Board must make approved open session meeting minutes available for public inspection within 5 business days after the meeting at which the Board approved the minutes.
- b. Closed session meeting minutes
 - i. Closed session meeting minutes must be prepared and maintained separately from open session meeting minutes.
 - ii. Closed session meeting minutes will not be made available to, or be disclosed to, the public, except as required by court order.
 - iii. Closed session meeting minutes may be destroyed by the District 1 year and 1 calendar day after the approval of the minutes of the regular meeting at which the closed session minutes were approved, or any time thereafter.
 - iv. Closed session meeting minutes must include at least the following information:
 - A) the meeting date, time, and, location;
 - B) the Board members present for or otherwise participating in the meeting;
 - C) the Board members absent from the meeting; and
 - D) the purpose(s) for which the closed session meeting was held and the specific Open Meetings Act provision(s) that permitted the closed session.
- c. Open session Board meeting minutes may be published on the District's website.

H. Accommodating Board Members and Other Individuals with Disabilities

Any Board member or other individual with a disability who requires reasonable accommodations to participate in, or attend, a Board meeting must contact the Superintendent's office in advance of the meeting to request an accommodation.

- I. Board meetings will be conducted consistent with the parliamentary authority provided in Robert's Rules of Order, provided the procedure is consistent with Board Policy and the law.

J. Recess

A Board meeting may be recessed. A Board meeting that is recessed for more than 36 hours may only be reconvened once the notice requirements for the meeting, as described in this Policy, have been satisfied, including special meeting or rescheduled regular meeting notice requirements, if applicable.

Legal authority: MCL 15.263, 15.263a, 15.265, 15.267, 15.269; MCL 380.1201

Date adopted: July 1, 2024

Date revised:

Series 2000: Bylaws

2500 Board Meetings and Open Meetings Act Compliance

2504 Public Participation at Board Meetings

Public participation and open lines of communication are vital to a successful educational environment. The public shall have the opportunity to address the board in accordance with the Open Meetings Act. Any member of the public may address the Board at a Board meeting, subject to the following rules:

- A. Except during a public participation portion of a Board meeting, no member of the public or other person may address the Board during a public meeting without the express permission of the President or other presiding officer.
- B. The Board will follow public participation rules that balance the District's interest in an orderly public meeting with the public's First Amendment rights. A copy of these rules and any additional public participation rules adopted by the Board will be made available at Board meetings and on the district's website.. The Board's public participation rules include, but are not limited to, the following:
 - 1. before addressing the Board, a member of the public will state their name and address;
 - 2. each person's public comments are limited to three minutes per public participation period. This time limit may be adjusted by the President or other presiding officer to facilitate public participation at Board meetings;
 - 3. persons who are part of a group or organization or who share similar viewpoints are encouraged to designate a spokesperson to address the Board;
 - 4. public comments of a personal nature are prohibited when: (a) the comments are unrelated to the manner in which a Board member or District employee performs that person's duties, and (b) the comments cause a substantial disruption to the meeting;
 - 5. any public comment not protected by the First Amendment of the U.S. Constitution is prohibited;
 - 6. Board members may ask questions of the speakers but are not required to answer questions or make statements in response to a public comment;
 - 7. written statements and documents presented to the Board by a public participant or group are public records and must be given to the Secretary or designee; and
 - 8. any audio recording, video recording, broadcasting, or telecasting must be performed from the seating area designated for the public or in the area

otherwise designated by the President, Superintendent, or designee, and must not disrupt the meeting.

- C. Once the President or other presiding officer has determined that each member of the public requesting to do so has had a reasonable opportunity to address the Board during a public participation portion of a Board meeting, the President or other presiding officer will announce that the public participation portion of the meeting has ended.
- D. If the President or other presiding officer determines that a member of the public has violated 1 or more of the above rules and refuses to come into compliance with those rules, the member of the public will lose the right to speak during public comment at that meeting. A person who persistently engages in disorderly conduct or otherwise breaches the peace at a Board meeting, after notice from the President or other presiding officer, may be removed.

Legal authority: U.S. Const, amend. I; MCL 15.263(1), 15.263(5); MCL 380.1808

Date adopted: July 1, 2024

Date revised: