

POWERS AND PHILOSOPHY

0122

Board Powers

The District shall operate as a General Powers School District. As such it has all of the rights, powers, and duties expressly stated in statute; may exercise a power implied or incident to any power expressly stated in statute; and, except as provided by law, may exercise a power incidental or appropriate to the performance of any function related to the operation of the District in the interests of public elementary and secondary education in the District, including, but not limited to, all of the following:

- A. Educating Students. In addition to educating students in grades K-12, this function may include operation of preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs for other persons.
- B. Providing for the safety and welfare of students while at school or at a school-sponsored activity or while enroute to or from school or a school-sponsored activity.
- C. Acquiring, constructing, maintaining, repairing, renovating, disposing of, or conveying school property, facilities, equipment, technology, or furnishings.
- D. Hiring, contracting for, scheduling, supervising, or terminating employees, independent contractors, and others to carry out District powers.

- E. Receiving, accounting for, investing, or expending District money; borrowing money and pledging District funds for repayment; and qualifying for State-School Aid and other public or private money from local, regional, State, or Federal sources.

The 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 District.

The District is a body corporate and shall be governed by a school board. An act of this Board is not valid unless approved, at a meeting of the Board, by a majority vote of the members lawfully serving on the Board.

~~The Board may submit a measure, proposition, or question concerning the management of the District or the improvement of the educational process to the electorate in accordance with the procedures described in M.C.L. Section 1032.~~ The Board may submit to the School electors a question that is within the scope of the powers of the School electors and that the Board considers proper for the management of the School system or the advancement of education in the School District. Upon the adoption of a question by the Board, the Board shall submit the question to the School electors by complying with Michigan election law (M.C.L. 168.312).

The Board 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.

The Board has authority, based on statute, to make decisions regarding the following subjects without resort to prior bargaining:

- A. the policyholder of the District's group insurance program
- B. the starting day for the school year and the amount of student contact time to receive full State school aid
- C. the composition of the District's site-based, decision-making groups or school-improvement committees
- D. the decision whether or not to have inter-district and intra-district open-enrollment opportunities

- E. the decision whether or not to permit authorization of Charter Schools (public school academies)
- F. contracting with outside parties for noninstructional support services including the procedures for obtaining a contract, the identity of the outside party, and the impact on individual staff members or a bargaining unit
- G. use of volunteers
- H. decisions regarding the use of experimental or pilot programs including staffing, use of technology, provision of the technology, and the impact on individual staff members or a bargaining unit
- I. compensation or reimbursement of a staff member for monetary penalties imposed on the staff member under M.C.L. 423.201, 202, 206, and 215
- J. any decision regarding the placement of teachers, or the impact of that decision on an individual employee or the bargaining unit
- K. decisions about the development, content, standards, procedures, adoption and implementation of policies regarding personnel decisions when conducting a staffing or program reduction or a position elimination for staff covered under the Teacher Tenure Act (M.C.L. 38.71), as well as decisions regarding recall or hiring after any such reduction

This includes the impact of any such decisions on an individual employee or the bargaining unit.
- L. decisions about the development, content, standards, procedures, adoption and implementation of a performance evaluation system under M.C.L. 380.1249 for teachers and administrators
- M. decisions concerning the content of a teacher's or administrator's performance evaluation or the impact of such decision
- N. decisions about the format, timing or number of classroom observations required for evaluation under the Teacher Tenure Act (M.C.L. 38.83a)

- O. decisions concerning the classroom observation of an individual teacher, and the impact of such decision on an individual teacher or the bargaining unit
- P. decisions about the development, content, standards, procedures, adoption and implementation of the method of performance based compensation for teachers and administrators in accordance with M.C.L. 380.1250
- Q. decisions about how performance evaluation is used to determine the performance based compensation for teachers and administrators
- R. decisions concerning the performance based pay of an individual teacher or administrator, or the impact of such decision on such individual or the bargaining unit
- S. decisions about the development, content, standards, procedures, adoption and implementation of a policy regarding discipline or discharge for teachers covered under the Teacher Tenure Act (M.C.L. 38.71)
- T. decisions concerning the discipline or discharge of a teacher covered under the Teacher Tenure Act (M.C.L. 38.71), or the impact of such decision on an individual teacher or the bargaining unit
- U. insertion of statutorily required emergency manager language into all collective bargaining agreements
- V. decisions on whether to enter into an intergovernmental agreement to consolidate, to jointly perform or to collaborate on one or more functions or services
 - 1. procedures of obtaining a contract for such an agreement to transfer of functions or responsibilities
 - 2. identities of any other parties to such an agreement
- W. any requirement that would violate section 10(3), M.C.L. 423.210(3), (the requirement not to require union membership or the payment of dues, fees or charitable contributions in lieu of dues).
- X. decisions about the development, format, content, and

**BOARD OF EDUCATION
VICKSBURG COMMUNITY SCHOOLS**

BYLAWS
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[procedures of the notification to parents and legal guardians required under M.C.L. 380.1249a \(the requirement to make the notifications is effective with the 2015-2016 school year\)](#)

M.C.L. 380.1032, 380.11a, 380.1131 et seq.,
M.C.L. 423.201, 202, 206, and 215
M.C.L. 168.301 et seq.

Revised 7/9/12
[Revised 8/12/13](#)

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MEMBERSHIPREVISED BYLAW 0144.3 - VOL. 27, NO. 20144.3 **Conflict of Interest**

Board members shall perform their official duties in a manner free from conflict of interest. To this end:

- A. ~~Every effort shall be made to avoid the possibility of a claim being made that an individual participated in reaching a decision on a matter in which s/he had either a direct or an indirect interest of a substantial nature.~~ No Board member shall use his/her position as a Board member to benefit either himself/herself or any other individual or agency apart from the total interest of the School District.
- B. When a member of the Board determines that the possibility of a personal interest conflict exists, s/he should, prior to the matter being considered, disclose his/her interest (such disclosure shall become a matter of record in the minutes of the Board), and thereafter shall abstain from participation in both the discussion of the matter and the vote thereon.
- ~~C. Each member of the Board shall resist every temptation and outside pressure to use his/her position as a Board member to benefit either himself/herself or any other individual or agency apart of the total interest of the School District.~~
- C. A member of the Board is presumed to have a conflict of interest if the member or his/her family member has a financial interest, or a competing financial interest, in the contract or other financial transaction or is an employee of the School District, intermediate school district, or public school academy.

Having a child in the District does not alone constitute a conflict of interest or financial interest in a contract or other financial transaction of the School District.

“Family member” means a person’s spouse or spouse’s sibling or child; a person’s sibling or sibling’s spouse or child; a person’s child or child’s spouse; or a person’s parent or parent’s spouse, and includes these relationships as created by adoption or marriage.

1. A Board member is not considered to have a financial interest in any of the following instances:
 - a. A contract or other financial transaction between the School District and any of the following:
 - 1) A corporation in which the individual is a stockholder owning 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owning stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.
 - 2) A corporation in which a trust, if the individual is a beneficiary under the trust, owns 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owns stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.
 - 3) A professional limited liability company organized pursuant to the Michigan limited liability company act, if the individual is an employee but not a member of the company.

- b. A contract or other financial transaction between the School District and any of the following:
 - 1) A corporation in which the individual is not a director, officer, or employee.
 - 2) A firm, partnership, or other unincorporated association, in which the individual is not a partner, member, or employee.
 - 3) A corporation or firm that has an indebtedness owed to the individual.
- c. A contract between the School District and the intermediate school district.
- d. A contract awarded to the lowest qualified bidder, upon receipt of sealed bids pursuant to a published notice for bids if the notice does not bar, except as authorized by law, any qualified person, firm, corporation, or trust from bidding. This does not apply to any amendments or renegotiations of a contract or to additional payments under the contract that were not authorized by the contract at the time of award.

If the ~~pecuniary~~ financial interest pertains to a proposed contract with the District, the following requirements must be met:

1. The Board member shall disclose the ~~pecuniary~~ financial interest in the contract to the Board with such disclosure made a part of the official Board minutes. ~~If his/her direct pecuniary interest amounts to \$250 or more or five percent (5%) or more of the contract cost to the District, the Board member shall make the disclosure in one of two (2) ways:~~
 - a. ~~In writing, to the Board president (or if the member is the Board president, to the Board secretary) at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165.)~~
 - b. ~~By announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The Board member must use this method of disclosure if his/her pecuniary interest amounts to \$5000 or more.~~
2. Any contract in which there is a conflict of interest as defined by this bylaw and the related statute (M.C.L. ~~15.321 et seq.~~ 380.1203) must be approved by a majority vote ~~of not less than two thirds (2/3's)~~ of the full Board without the vote of any Board member with a ~~pecuniary~~ financial interest.

However, if a majority of the members of the Board are required to abstain from voting on a contract or other financial transaction due to a financial interest, then for the purposes of that contract or other financial transaction, the members who are not required to abstain constitute a quorum of the board and only a majority of those members eligible to vote is required for approval of the contract or financial transaction.

3. The official minutes of the Board disclose the name of each party involved in the contract, the nature of the ~~pecuniary~~ financial interest, and the terms of the contract including the duration, financial consideration between the parties, facilities or services of the District included in the contract, and the nature and degree of assignment of District staff needed to fulfill the contract.
4. A Board member with a ~~pecuniary~~ financial interest in a contract may participate in discussion ~~and, but may not~~ vote on the contract. ~~to the extent that the Board member's participation is required by law, or two-thirds (2/3's) of the members are not eligible to vote and his/her vote is needed to constitute a quorum, providing the pecuniary interest is less than \$250 and five percent (5%) of the contract cost to the District and the Board member files a sworn affidavit to that effect with the Board. Such affidavit is to be made a part of the official minutes of the Board.~~
 - () Board members shall not accept any money, goods, or services with a value in excess of the amount established annually by the State Department of Education (\$44 within any one (1) month period as of December 31, 2004) from any person who does business or seeks to do business of any kind with the District.
 - ~~(x)~~ A Board member may be appointed to serve as a volunteer coach or supervisor of a student extra-curricular activity if all of the following conditions are present:
 1. the Board member receives no compensation for service as a volunteer coach or supervisor;
 2. the Board member abstains from voting on issues before the Board concerning the program during the period of time s/he serves as a volunteer coach or supervisor;

3. there is no other qualified applicant available to fill a vacant position; and
4. the appointing authority has received the results of a criminal history check and criminal records check from the Michigan State Police or the Federal Bureau of Investigation for the Board member.

M.C.L. 15.183, 15.323, [380.1203](#)

[Revised 8/12/13](#)

RELIGION IN THE SCHOOLS

Based on the First Amendment protection against the establishment of religion in the schools, no Board employee will promote religion in the classroom or in the District's curriculum, or compel or pressure any student to participate in devotional exercises. Displays of a religious character must conform with Policy 8800 and AG 8800 A-D. Instructional activities shall not be permitted to advance or inhibit any particular religion or religion generally.

~~The Board of Education believes that a~~And understanding of religions and their effects on civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, curriculum may include as appropriate to the various ages and attainments of the students, instruction about the religions of the world.

The Board acknowledges the degree to which a religious consciousness has permeated the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the District's schools frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may be religious in nature shall not, by itself, bar their use by the District. The Board directs that professional staff members employing such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.

The Board recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the education of the District's students, - not for its conformity to religious principles. Students should receive unbiased instruction in the schools, so they may privately accept or reject the knowledge thus gained, in accordance with their own religious tenets.

Accordingly, no student shall be exempted from attendance in a required course of study on the grounds that the instruction therein interferes with the free exercise of his/her religion. However, if after careful, personal review of the program's lessons and/or materials, a parent indicates to the school that either the content or activities conflict with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from particular class periods for specified reasons. The student will be provided with alternate learning activities during the times of such parent requested absence.

No classroom teacher shall be prohibited from providing reasonable periods of time for activities of a moral, philosophical, or patriotic theme. No student shall be required to participate in such activities if they are contrary to the religious convictions of the student or his/her parents or guardians.

The Board acknowledges that it may not adopt any policy or rule respecting or promoting an establishment of religion or prohibiting any student from the free, individual, and voluntary exercise or expression of the student's religious beliefs. However, such exercise or expression may be limited to lunch periods or other noninstructional time periods when students are free to associate.

~~The Superintendent shall prepare administrative guidelines regarding observances and activities which have religious overtones. Such guidelines are to be in compliance with State laws and First Amendment rights.~~

See References:

Policy 8800

AG 8800 A-D

M.C.L.A. 380.1174, 380.~~1282~~ 1187

U.S. Constitutional Amendment 1

Revised 8-12-13

Revised 7/93

Revised 4/21/03

ENTRANCE AGE

The Board of Education shall establish student entrance age requirements which are consistent with Michigan Law and sound educational practice and which ensure equitable treatment.

A child who turns six (6) years of age before December 1st must be enrolled on the first school day of the school year in which the child's sixth birthday occurs, and a child who turns six (6) years of age on or after December 1st must be enrolled on the first school day of the school year following the school year in which the child's sixth birthday occurs.

Kindergarten

~~A child is eligible for entrance into kindergarten if s/he attains the age of five (5) on or before December 1st of the year in which s/he applies for entrance and meets residence requirements.~~A child who is a resident of the District and at least 5 years of age on or before November 1st of 2013, October 1st of 2014, or September 1, 2015 or any school year of enrollment thereafter is eligible for entrance to the kindergarten program for that school year. The child may not be placed in an alternative program without permission of the parent.

Early Entrance

Upon written request by the parent or guardian, a child who is resident but not yet five (5) years of age on or before the specified eligibility date for the applicable school year will be admitted to kindergarten under the following circumstances:

1. the child will have attained the age of five (5) by December 31st of the school year of enrollment; and
2. the parent or guardian provides written notice to the District by June 1st prior to the school year of enrollment of intent to enroll the child; or
3. the parent or guardian notifies provides written notice to the District by August 1st prior to the school year of enrollment of intent to enroll the child, if the child became resident in the District after June 1st.

The District may make a recommendation to the parent or guardian that the child is not ready to start kindergarten due to age or other factors, but the decision whether to enroll the child will remain with the parent or guardian.

Preschool Disabled

Readiness and compensatory education programs may be provided for disadvantaged children of preschool age, if they have been certified in accordance with the rules of the State and are not part of a district's special education program.

Such programs may not be contracted for with nonpublic organizations or institutions nor with nonlicensed public institutions.

M.C.L.A. 380.1147, 380.1561, 388.1636-1639
A.C. Rule 340.4174

Revised 9-12-13

RELIGIOUS CEREMONIES AND OBSERVANCES

Decisions of the United States Supreme Court have made it clear that it is not the province of a public school to advance or inhibit religious beliefs or practices. Under the First and Fourteenth Amendments to the Constitution, this remains the inviolate province of the individual and the church of his/her choice. The rights of any minority, no matter how small, must be protected. No matter how well intentioned, either official or unofficial sponsorship of religiously-oriented activities by the school are offensive to some and tend to supplant activities which should be the exclusive province of individual religious groups, churches, private organizations or the family.

District staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in act of worship or celebration. The District shall not function as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on District property by any part shall be in accordance with policy and administrative guideline 7510, Use of District Facilities, and 9700, Relations with Special Interest Groups.

Observance of religious holidays through devotional exercises or acts of worship is prohibited. Acknowledgement of, explanation of, and teaching about religious holidays is encouraged. Celebration activities involving non-religious decorations and use of secular works are permitted, but it is the responsibility of all faculty members to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on minority groups or individuals, and do not interfere with the regular school program.

~~The flag of the United States shall be raised above each school and/or at other appropriate places during all school sessions, weather permitting. The flag shall be raised before the opening of school and taken down at its close every day.~~

~~Professional staff members are authorized to lead students in the Pledge of Allegiance at an appropriate time each school day. However, no student shall be compelled to participate in the reciting of the Pledge. The Superintendent shall develop administrative guidelines which ensure that any staff member who conducts this activity does it at an appropriate time, in an appropriate manner, and with due regard to the need to protect the rights and the privacy of a nonparticipating student.~~

The United States Flag and Pledge of Allegiance

The flag of the United States shall be raised above each public school building operated by the District at all times during school hours, weather permitting. This flag shall measure at least 4 feet 2 inches by 8 feet. A United States flag shall also

be displayed in every classroom or other instructional site in which students recite the Pledge of Allegiance.

All students in attendance at school will be provided an opportunity to recite the Pledge each day that school is in session. However, no student shall be compelled to recite the Pledge of Allegiance. No student shall be penalized for failure to participate in the Pledge and the professional staff shall protect any such students from bullying as a result of their not participating in the Pledge.

The building principal or administrator shall be responsible for determining the appropriate time and manner for reciting the Pledge, with due regard to the need to protect the rights and the privacy of a nonparticipating student.

20 U.S.C. 4071 et seq.

M.C.L.A. 380.1347, [380.1347a](#), 380.1565

Gregoire vs. Centennial School District 907 F 2d 1366
(3rd Circuit, 1990)