



# **Board of Education Bylaws**



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Portage Public School District

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**TABLE OF CONTENTS**

**ARTICLE I - MISSION ..... 3**

**ARTICLE II - BOARD MEMBERSHIP, ELECTION AND ORIENTATION . 3**

**ARTICLE III - BOARD OFFICERS..... 5**

**ARTICLE IV - BOARD MEETINGS ..... 5**

**ARTICLE V - BOARD DEVELOPMENT ..... 9**

**ARTICLE VI - LEGISLATIVE LEADERSHIP ..... 10**

**ARTICLE VII - BYLAW AND BOARD POLICY REVIEW ..... 10**

**ARTICLE VIII - ADMINISTRATIVE GUIDELINES ..... 11**

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## **BOARD OF EDUCATION BYLAWS**

### **ARTICLE I - MISSION**

[This section is currently undergoing revision,  
pending the finalization of updated District Ends statements.]

### **ARTICLE II - BOARD MEMBERSHIP, ELECTION AND ORIENTATION**

#### **MEMBERSHIP**

The Board is composed of seven (7) members serving four (4) year terms.

#### **SCHOOL BOARD ELECTIONS**

School Board members will serve four (4) year terms and be elected at the election held on the first Tuesday after the first Monday in May in each year or appointed by the Board to fill a board vacancy until the next election.

An individual is eligible for election as a school board member if the individual is a citizen of the United States and is a qualified and registered elector of the School District by the election filing deadline.

Following a Board election the Board's Recording Secretary shall notify each member-elect of his/her election within five (5) days after the election. Prior to assuming membership on the Board and within ten (10) 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.

The Board President or his/her designee(s) and the Superintendent shall conduct an orientation program designed to acquaint potential candidates and later newly-elected members with the District, Board Policy Governance, as well as Board duties and responsibilities.

#### **SCHOOL BOARD VACANCY**

Board vacancies shall be filled within 30 calendar days of the effective date that a vacancy occurs. 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.

Revised: 8/24/09

If less than a majority of the offices of school board members of a school district become vacant, the remaining school board membership shall fill each vacant office by appointment. An individual appointed serves until a successor is elected and qualified. If a vacancy occurs more than 90 days before a regular school election, an election shall be held at that regular school election to fill that office for the remainder of the office's unexpired term, if any.

Persons appointed to fill a vacancy shall file an acceptance of the office, including an affidavit of eligibility, with the Secretary of the Board or his/her designee, and shall take the oath of office as prescribed by law. The appointee shall hold office until the next school election.

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

1. 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 Recording Secretary of the Board by the deadline established by the Board.
2. The full Board or a committee approved by the Board shall establish criteria to screen applications to determine which candidates should be further considered for appointment.
3. The Board may interview those candidates screened for further consideration in public session. Each candidate will be asked to respond to a series of questions.
4. After completion of the interviews, each Board member will be given the opportunity to comment on the qualities of each candidate.
5. After the interviews, each individual Board member will select his/her top two candidates. Each Board member will then submit his/her selections to the Board President. The Board President will compile the selections of individual Board members. A Board Member may choose not to elect any candidate during the process.
6. The President will announce the names of those candidates receiving two (2) or more votes and a second round of voting will take place with those candidates remaining.
7. In the second round, each Board Member will select only one candidate from those candidates remaining. If one candidate receives the greatest number of votes (at least four), the Board President will solicit a motion to appoint that individual to the vacancy of the Board of Education.
8. The process shall be repeated as needed until one candidate receives at least four votes or until the Board President indicates that the Board is not able to make a decision.

If the above process does not result in the selection of a candidate, the Board will re-open the candidate window. The Board will then establish a new timeline (within the 30-day window) and follow the same procedure as outlined above.

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If a majority of the positions are vacant at the same time, the remaining members shall immediately call a special election to fill the vacancies. In the event the vacancy is in the office of President, the Vice-President shall become President.

In the event of a vacancy in any other Board office, the Board shall fill the vacancy by election at the next regularly scheduled Board business meeting.

### **RECALL**

Any member of the Board may be recalled pursuant to Michigan Law.

## **ARTICLE III - BOARD OFFICERS**

The officers of the Board shall be the President, Vice-President and Secretary. All officers shall be Board members.

Election of Board officers shall occur annually at the organizational meeting of the Board held in July of each year. The Board's Past President will chair the Board's organizational meeting until a new president is elected.

The Board may, by majority vote, remove a member from a Board officer position and shall elect another Board member to office.

## **ARTICLE IV - BOARD MEETINGS**

**ANNUAL ORGANIZATIONAL MEETING:** The annual meeting of the Board of Education shall be held on or before the fourth Monday of July each year.

**REGULARLY SCHEDULED BUSINESS MEETINGS:** The Board shall hold at least one regular business meeting each month. A notice of the Boards meeting schedule shall be posted within ten days after the organizational meeting.

The Board, as provided in current law, may change the schedule of any meeting date(s).

**SPECIAL BOARD MEETINGS:** The President of the Board may call a Special Board meeting. Board members will also be notified and a public notice will be posted when a Special Board meeting is called.

**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 District, 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.

**WORK SESSION:** A work session of the Board shall be held as called by the President or as scheduled. Such sessions shall be open to the public and properly posted as Board meetings. No action by the Board shall normally be taken at such meetings.

Revised: 1/26/09

**BOARD AGENDA:** The Superintendent shall distribute to each Board member a Board agenda at least three calendar days prior to each meeting. The agenda packet will include appropriate material concerning items on the agenda. The Board agenda shall include a period of time when the public may speak to the Board.

A request by a board member to place an item on the agenda for discussion must be made seven days in advance of the Board meeting. In making the request, the board member will fill out a policy processing form which generally follows the outline found in the board's Governing Style Policy 3.1. This form will be designed to guide the member through the thought process of determining what the real issue is, whose issue it is, and the policy issues that cause the board member to bring it forward. The Board will use this form as a chance to understand and think about the issue before the board meeting. Any background information which may be needed for board deliberation or to illustrate the issue will be provided along with the form.

**RULES OF ORDER:** The Board shall be governed by the most recent edition of Robert's Rules of Order. The President, or Vice-President in the absence of the President, shall preside at all meetings. In the absence of both the President and Vice-President, the Secretary will serve only for that meeting or for that part of the meeting in which the President and Vice-President are absent.

**BOARD MEETING PROTOCOL:** The President will preside over the Board meeting. A motion must be before the Board in order to discuss a Board action item which has been presented by the Board President for consideration.

**PUBLIC COMMENT:** To ensure order and fairness, public comment will be under the control of the Board President or presiding officer using the following guidelines.

The public portion of the meeting shall generally be limited to one-half hour. In order to ensure that no one's rights to address the Board are denied, the Board President may either reduce the time for each speaker or may establish a longer time period for public comment.

The Michigan Open Meetings Act states that, "a person shall be permitted to address a meeting of a public body under rules established and recorded by the public body." The Portage Board of Education welcomes public participation at Board meetings. To ensure that the Board is allowed enough time to consider all agenda items and make sure that every citizen who wants to speak gets a chance to speak, persons wishing to address the Board shall be subject to the following:

1. Any person attending a Board meeting shall have the right to address the Board at the prescribed time on the agenda provided for citizen comment or communications or at any other time as requested by the Board. Individual comments shall be limited to three (3) to five (5) minutes but a spokesman for a group will be granted up to ten (10) minutes in lieu of comments from individuals. The Board reserves the right to request that each speaker submit his or her name and address, in writing, to the Recording Secretary of the Board prior to addressing the Board.
2. The Board requests that a copy of any written statement be made available to the Board Recording Secretary.

3. The Board requests that names of individuals are not mentioned when bringing matters to the attention of the Board. Citizens are encouraged to contact the Superintendent directly regarding personnel matters. The Board reserves the right to interrupt a speaker at any time or make comments in order to clarify the discussion or to intervene in the event that the person:
  - A. Personally attacks a Board member or District employee by name in matters unrelated to their job performance.
  - B. Mentions a student's name when discussing behavior or other incidents.
  - C. Engages in discussion or debate with other members of the audience.
4. Respectful, civil conduct is expected of all those attending a Board meeting in order to model the behavior expected for Portage students to learn. At any time that the President determines that conduct is disrespectful or disruptive; the President may take whatever action s/he deems necessary to restore order and civil conduct. This may include calling a recess to have any disruptive individual(s) removed or adjourning the meeting.
5. The Michigan Open Meetings Act establishes conditions that allow a public body to move into closed session "to hear complaints or charges brought against . . . an employee or staff member." The Board requests complaints and/or charges brought against an employee or staff member should be submitted in writing, signed by the charging party(ies), and if practicable prior to the meeting. If a verbal complaint is brought before the Board of Education by any member of the community during a School Board meeting, the affected employee/staff member will be given reasonable opportunity to be present. Under no circumstances shall a specific complaint involving an employee's performance be heard by the Board during an open meeting without proper notice to the employee.
6. Large groups should notify the Superintendent or Board Recording Secretary in advance that they will be attending a meeting.

**ACTION ITEMS:** The Board agenda will list a Consent Agenda, a Required Approval Agenda and an Action Agenda. The Consent Agenda is for routine action items. The Required Approval Agenda is for action items legally requiring Board approval. The Action Agenda will include, but not be limited to, non-routine action items. Board members have established a practice by which action items, whenever possible, are placed on the Board agenda for discussion and then are acted on at the next meeting. The Board realizes there will be exceptions to this practice. The Board President and/or the Superintendent will inform Board members when an item comes up for discussion and action at the same meeting. Board members may choose to table action for a month.

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 Ayes or Nays 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 Aye and the number voting Nay. 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.

Revised: 8/24/09

Once a motion is supported and seconded and, if during Board discussion there is support for changing the motion, then the Board member who supported the motion shall rescind the motion and a new motion will be stated, moved and supported for further discussion before a vote. A motion may also be amended. The Board member supporting the motion may request the Board amend the motion. If there is agreement to the amendment, the Board will then vote on the amended motion.

The Board President will call a roll call vote for the following actions: Bylaw changes, to go into closed session, or for other action items as defined by law. The Board President may elect to call for a roll call vote. Failure to vote, absent a statutory exception, constitutes a breach of the Board member's duty as a public official.

**CLOSED SESSION:** The Board may meet in closed session as provided for under current law. The minutes of any closed session shall be kept separate from the minutes of the regular or special meeting and shall not be a matter of public record except as provided for under current law. Any Board action taken as a result of a closed session shall be taken in a public meeting and recorded as such. The Board shall conduct closed sessions only as provided by current law.

*Excerpt from the Open Meetings Act:* 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 an 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 if the public body is a part of the school District, Intermediate School District, or institution of higher education that the student is attending, and if the student's parent(s)/guardian(s) requests a closed hearing; (c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement 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 and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential.

**DISRUPTIVE MATERIAL:** The use of cameras, signs and other materials brought to the meeting by the public may be restricted if, in the judgment of the Board President, it may 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. No cameras or recording devices shall be allowed at closed sessions of the Board.

**MINUTES:** The Secretary of the Board shall be responsible for seeing 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 Recording Secretary. The minutes shall include the date, time, place, members present, members absent, all motions made at open meetings and action taken thereon, the purpose(s) for which closed sessions are called, all votes taken, a reference to reports presented, a record of those speaking at the public comment session and the topic on which they spoke, and items discussed when no action is taken.

On any deliberated item, a Board member may call the question as to whether or not to attach a values statement to the recorded item, motion and action. If the Board as a whole agrees to amend the record, they will be so amended to include the major factors taken into account in the

decision and the overriding reason why the final decision was made. The values statement will be developed by the Board as a whole immediately after its inclusion has been motioned and approved.

Minutes shall be presented for approval at the next business meeting of the Board and copies shall be sent to all Board members prior to said meeting. Copies of approved minutes shall be posted within five business days of the meeting at which they were approved. Minutes of closed meetings shall not be made public except as specified by current law.

**BOARD RECORDS:** The Board shall keep such Board records as shall be necessary for the understanding of their actions. In addition to those records required to be kept by law, the Superintendent shall be responsible for keeping such records as are necessary for the efficient operation of the District.

## **ARTICLE V - BOARD DEVELOPMENT**

The Board recognizes the need for continuing Board development and professional development, including Board Certification.

All Board of Education trustees are encouraged to improve their Boardsmanship skills and to become informed about issues and legislation by attending county level, state, or national conferences or workshops. The District shall reimburse expenses for Board trustee in-service training participation in one conference and one class each year, unless otherwise considered by the Board. Although the District shall reimburse expenses for no more than three individual trustees to attend the National School Board Association (NSBA) conference, if more than three trustees desire to attend the NSBA conference, the Board President shall designate the trustees for whom expenses will be reimbursed.

The Board expects each trustee to attain certification (Level 1 CBA) through the Michigan Association of School Boards (MASB) Board Member Award Program during the first two years in office at District's expense. Each trustee is encouraged to seek additional levels of certification in the MASB program.

A trustee shall not be reimbursed for any travel expense, unless the travel has been approved by the Board in advance of the travel. Trustees who provide their own transportation may be reimbursed for each mile actually and necessarily traveled in the performance of District business attending meetings outside of the District.

Expenses for spouses accompanying trustees are not reimbursable.

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.

Revised:

## **ARTICLE VI - LEGISLATIVE LEADERSHIP**

The Board shall keep itself informed of pending legislation and actively communicate its concerns in a non-partisan manner and make its position known to all elected legislators of the District as well as appropriate representatives at both the state and national level, as needed.

The Board will work with all of its legislative representatives, with the Michigan Association of School Boards (MASB), and with the National School Boards Association. The Board President annually shall designate a person – who may or may not be a member of the Board – to serve as its legislative representative. In all dealings with individual elected representatives, the legislature, or Congress, the Board’s representative will be guided by the official positions taken by the Board. This person shall be authorized to speak on the Board’s behalf with respect to legislation being considered by the state legislature or the United States Congress or their representative committees.

The legislative representative shall serve as the Board’s liaison with the MASB. This representative may attend State School Board Association meetings and shall convey local views and concerns to that body and participate in the formulation of state legislative programs, as needed. The legislative representative shall monitor proposed school legislation and inform the Board of the issues.

Oral and written presentations made on behalf of the District must receive prior approval of the Board. The following are guidelines for presenters. All oral presentations should be brief and to-the-point. They should be typed with one copy going to each board member and one to the Superintendent.

## **ARTICLE VII - BYLAW AND BOARD POLICY REVIEW**

The Board of Education shall adopt bylaws and policies for the organization and operation of the District. Bylaws and policies shall be adopted, amended, repealed or suspended by a majority vote of the Board. A minimum of four (4) affirmative or negative votes is required for action. The Board may adopt, amend or repeal rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting. The adoption, modification, repeal or suspension of a Board bylaw or policy shall be recorded in the Board minutes. Bylaws and Policies shall be printed in the Board Policy Manual.

The Board shall oversee and review its bylaws and policies and shall, as needed amend existing bylaws and policies. The Superintendent or Board President, as the need arises or at the request of an individual Board member, shall advise the Board when he/she is of the opinion that a bylaw or Board policy should be changed and/or presented to the Board. Bylaws, policies, rules and regulations of the Board may be amended at any regular or special Board meeting by a majority vote of the members elected to and serving on the Board.

Revised: 8/24/09

## **ARTICLE VIII - ADMINISTRATIVE GUIDELINES**

All Administrative Guidelines shall conform to the intent of the Board bylaws and governance policies. The Board shall not approve or adopt administrative guidelines except in those instances in which the Superintendent or legal counsel believes such formal adoption shall be necessary or desirable because of potential litigation, public attitudes, or possible student or staff reaction. The Board shall delegate to the Superintendent the authority to adopt, amend or repeal Administrative Guidelines.

Staff, students and patrons of the District shall be informed of any administrative guidelines, rules/regulations or procedures affecting them as individuals or as a group. When action must be taken and no guidelines have been provided for administrative action, the Superintendent shall have the power to act.

Revised: