

# **BYLAWS**

## **LEGAL BASIS**

The legal basis of education in the Fitzgerald School District is vested in the will of the people as expressed in the constitution of the State, the statutes pertaining to education, court interpretation of the validity of these laws and the power implied under them.

The school district is organized as a third class district and is therefore governed by the laws of that class.

## **FUNCTION**

Free public education in Michigan is by law a function of the state. In a representative democracy, the people express themselves in school matters through the state constitution and the legislature. The constitution of the State of Michigan charges the legislature with the duty and power to establish a system of free schools throughout our state (Article VIII, Section 2). The framework for this system is established in the General School Laws passed by the legislature.

Responsibility for conducting the schools within a district is delegated to the Board of Education, a policy-making body made up of layperson elected by the people of the district, which in turn selects and appoints a superintendent of schools, a professional school executive, to execute its policies.

## **POWERS OF THE BOARD**

The Board of Education 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. It shall be responsible for carrying out certain mandatory laws, and shall consider, and accept or reject the provisions of the permissive laws. In all cases where the state laws do not provide or prohibit, the Board of Education shall consider itself the agent responsible for establishing and appraising the educational activities of the school district.

## **NUMBER OF MEMBERS AND TERMS OF OFFICE**

The Board of Education shall consist of seven members who shall serve for terms of six years. The terms shall be overlapping, two members being elected the first year; three members being elected for the second year; two members being elected for the third year each on even years. Each Board Member shall be a Trustee within the meaning of the School Code of 1976 and shall be referred to in these Bylaws as Board Members or members.

*Legal Reference: Public Act 233 of 2011, Section 11a of the Revised School Code.*

Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20

# BYLAWS

## **QUALIFICATIONS**

Any person who has the following qualifications or who will have such qualifications at the next ensuing election shall be eligible for election or appointment to the Board of Education.

Such person must be:

1. A citizen of the United States.
2. At least eighteen (18) years of age.
3. A resident of the State of Michigan for at least thirty (30) days.
4. A resident of the School District on or before the thirtieth day prior to the next ensuing annual or special election.
5. A registered voter in the school district where he or she is a candidate.
6. A person that is not a school employee, part-time or full-time, and does not work in the district through a third party employer that is contracted by the district.

*Legal Reference: School Code of 1976, Article 1, Part 6, Section 6 (13)*

## **ELECTIONS**

The annual school election shall be held on the first Tuesday after the first Monday in the month of November on even years. The members of the Board shall be elected at the school election on even years. Terms of Board members shall begin after taking the Oath of Office at the first Board Meeting in January following the election.

*Legal Reference: Michigan Election Law; Public Act 233 of 2011, Section 11a of the Revised School Code.*

## **POLLING PLACE**

The official polling place(s) for Fitzgerald School District elections are dictated by the City of Warren.

## **VACANCIES**

### I. Causes:

The office of a member of the Board shall become vacant immediately without declaration by any officer or acceptance by any Board of its members, upon any of the following events:

- A. The death of the incumbent, or his/her being adjudicated insane or being found to be mentally incompetent by the proper court;

Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20

# BYLAWS

- B. The incumbent's resignation;
- C. The incumbent's removal from office;
- D. The incumbent's conviction of a felony;
- E. The incumbent's election or appointment being declared void by a competent tribunal;
- F. The incumbent's neglect to file his/her acceptance of office, to take the oath of office, or to give or renew any official bond required by law;
- G. The failure of the District to elect a successor at the annual school meeting or election;
- H. The incumbent's ceasing to possess the legal qualifications for holding office; or
- I. The incumbent's residence being moved from the School District.

*Legal Reference: School Code of 1976, Article 2, Part 14, Section 1103*

## II. Filling of:

- A. If less than a majority of the offices of a school district become vacant, the remaining members shall fill the vacancy immediately.
- B. If a vacancy is not filled within thirty (30) days after it occurs, the intermediate school board shall fill the vacancy by appointment.
- C. If a majority of the offices are vacant at the same time, the remaining member or members of the Board shall immediately call a special election of the school district to fill the vacancies. If the election is not called by the remaining member or members of the Board within twenty (20) days after the happening of the vacancies, or if all offices of the members of the Board are vacant, the intermediate superintendent shall call a special election of the school district to fill the existing vacancies for unexpired portions of the respective terms. The special election shall be held on a date approved by the county election scheduling committee under section 639 of Act No. 116 of the Public Acts of 1954, as amended, being section of 168.639 of the Michigan Compiled Laws.

## III. Qualifications:

Persons appointed or elected to fill vacancies must possess the same qualifications as are required of persons elected at a bi-annual election.

*Refer to: Qualifications of Members; Legal Reference: Michigan School Code 1976*

Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20

# BYLAWS

## ORGANIZATION

### I. Legislative

The legislative function makes policies, selects an executive, and delegates to him/her the placing of plans and policies into operation, and provides the financial means for their achievement.

### II. Executive

The executive function places into operation the plans and policies of the Board of Education, keeps the Board of Education informed and furnishes leadership to the school system.

### III. Appraisal

Appraisal is that function which attempts, through careful study of facts and conditions, to determine the:

- A. Efficiency of operation to general activities
- B. Efficiency and value of instruction

The Board of Education reserves to itself the legislative and appraisal functions. The executive function shall be delegated to the superintendent of schools appointed by the Board of Education. The superintendent shall be responsible for devising ways and means for executing the policies adopted by the Board of Education.

## DUTIES OF THE BOARD MEMBERS

1. Each Board member needs to respect the right of every member to express his/her opinions and points of view.
2. No Board member should act individually in the name of the Board or of other members of the Board unless he/she has been specifically and officially delegated the authority to do so.
3. No Board member should attempt to coerce or threaten other members into accepting his/her position or stand on an issue.
4. Each Board member, aside from being courteous to every other member, should respect the responsibilities of the President in the orderly conduct of a meeting.

Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20

## **BYLAWS**

5. Each Board member should be objective in dealing with problems and in response to other Board members. Such objectivity should be supported by an attitude of well-being toward others.
6. No Board member should set him/herself up, in the eyes of his/her fellow members, as the sole representative of the people.

### **COMPENSATION OF BOARD MEMBERS**

Payment to each Board member the sum of two thousand four hundred dollars (\$2,400) per school year, paid in two (2) installments to individuals who are on the Board in November and June.

If a Board Member is unable to complete his/her term, the payment will be prorated for time served and meetings attended at the rate of two hundred dollars (\$200) per month as the monthly amount to be prorated. The Superintendent does not have the authority to approve any other check requests from Board Members' compensation.

*Amended and Adopted: 09/24/2012; 11/07/2013; 09/06/2018; 06/24/2019*

### **Expense Reimbursement:**

Board members shall be reimbursed for actual and necessary expenses incurred in the discharge of their official duties. The budget per Board member will be \$1,000 with the exception of members working on their 100 level MASB courses. Board members will not be reimbursed for entertainment expenses, or for the purchase of alcoholic beverages. The Board will ordinarily not approve expenditures of District funds for members to attend meetings outside Michigan, and any such attendance must first be approved in advance by the Board. The Board may establish policies for the reimbursement of expenses of Board members.

### **Confidentiality:**

Board members will on occasion receive information that is not available to the general public, including information about students or employees, information subject to the attorney-client or another privilege, and information disseminated during a closed session of the Board. An individual Board member shall not disclose or share confidential information without the authorization of the Board or as may be required by law.

### **Board Ethics:**

The Board by majority vote shall prescribe a Code of Ethics applicable to the conduct of individual Board members, and each Board member shall be asked to acknowledge and sign the Code of Ethics at the beginning of each members term and then once a year thereafter.

### **Conflict of Interest:**

Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20

## **BYLAWS**

Board members shall perform their official duties in a manner free from conflict of interest, and shall refrain from actions that create the appearance of a conflict of interest prohibited by law. 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 and leave that portion of the meeting in both the discussion of the matter and the vote thereon.

### **Third Party Employer:**

No member of the board of education shall be employed by the school district or work under contract in the school district providing food, custodial, transportation, counseling, administrative, paraprofessional, substitute teacher, coaching, instructional or any other services.

### **OFFICERS OF THE BOARD**

The members of the Board of Education shall meet during July and organize the Board by electing a president, vice-president, secretary and treasurer.

*Amended and Adopted: 09/24/2012; 06/21/18*

*Legal Reference: School Code of 1976, Article 1, Part 4, Section 231*

### **ELECTION OF SCHOOL BOARD OFFICERS**

The election of all Fitzgerald Board of Education Officers shall occur by having the presiding officer call for nominations from the floor. Each board member has the opportunity to make nominations. Nominations need not be seconded, but it is acceptable for members to second a nomination. Voting Methods as with voting on other school business, voting for officers must be done in such a way that the public knows how each member voted. No secret ballots are allowed under the Open Meetings Act for school board officer elections. Unless your local bylaws describe otherwise, you could consider the following voting methods: Voice Vote The presiding officer calls for votes of each nominee in the order in which they were nominated. The chair asks for ayes and nays. If the first nominee does not get a majority of votes, the chair moves on the next nominee. The first nominee with a majority of the votes is elected to the officer position. Roll Call Vote Board members are called on one by one to say which nominee they support. Voting continues until one nominee gets the majority. Elections are recorded at the organizational meeting in the meeting minutes.

*Adopted by Board Motion 05/21/81; Reviewed 04/21/94, 02/06, 08/18, 02/19*

### **DUTIES OF THE PRESIDENT**

It shall be the duty of the President of the Board:

1. To preside at all meetings of the Board.

*Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20*

## **BYLAWS**

2. To cause an action to be prosecuted in the name of the district on the treasurer's bond in case of any breach of any condition.
3. To perform such other duties as may be appropriate to the duties of his/her office as the Board shall determine, or as required by law.
4. The President of the Board of Education should not only refrain from limiting the choices of action a Board may take, but should encourage the broadest possible exploration of a wide range of alternatives to action.
5. The President is the official spokesperson for the Board.
6. In the absence of the Secretary at a meeting of the Board, the President shall appoint an Acting Secretary, who shall sign the minutes of that meeting.
7. The President may consult with the Superintendent and/or legal counsel prior to bringing an issue before the Board.
8. The President, in consultation with the Superintendent shall prepare and publish a written agenda prior to each meeting unless otherwise directed by the Board. Individual Board members may include items on the agenda upon the concurrence of the President. The Board shall adopt or amend the agenda at the start of the meeting.

### **DUTIES OF THE VICE-PRESIDENT**

It shall be the duty of the Vice-President of the Board:

1. To preside at meetings of the Board when the President is not able to attend.
2. To perform other duties appropriate to the duties of the office of Vice-President as the Board determines.
3. In case of a vacancy in the office of President, succeed to the office of President for the balance of the unexpired term as provided by School Code of 1976.

### **DUTIES OF THE SECRETARY**

It shall be the duty of the Secretary of the Board:

1. To act as clerk at meetings of the Board.
2. To record and sign the minutes of meetings, orders, resolutions, and other proceedings of the Board in proper record books.

Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20

# **BYLAWS**

3. To perform other duties required by law or by the Board of Education.
4. The secretary or board appointed designee shall take and keep the minutes of the Board meetings in conformity with the Open Meetings Act and other state law, and shall perform all other duties as may be authorized by the Board.

## **DUTIES OF THE TREASURER**

It shall be the duty of the Treasurer of the Board:

1. To have care and custody of all monies of the District or the Board may delegate responsibility for the administration of school district money with the District Director of Business.
2. The delegated responsibility shall include:
  - a. Proper books of account.
  - b. Proper depositing of funds of the District in a depository approved by the Board in accordance with current statutes.
  - c. Proper accounting of funds in a published annual report at close of the fiscal year in the form prescribed by the State Board of Education.
3. To perform such other duties as are or shall be required by law or by the Board of Education.

## **DUTIES OF THE SUPERINTENDENT**

It shall be the duty of the Superintendent:

1. To execute the policies of the Board.
2. To recommend in writing teachers necessary for the schools.
3. To suspend a teacher for cause until the Board may consider the suspension.
4. To supervise and direct the work of the teachers and other employees of the district.
5. To classify and control the promotion of pupils.
6. To recommend to the Board the best methods of arranging the course of study and the

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## **BYLAWS**

proper textbooks to be used.

7. To make written reports to the Board at least annually in regard to matters pertaining to the educational interests of the School District.
8. To assist the Board in matters pertaining to the general welfare of the school and perform other duties which the Board may require.
9. To hire and terminate the employment of all lay supervisors, short-hour drivers, substitute teachers and student employees.
10. To recommend the hiring of and the termination of employment of all other non-instructional employees of the district.
11. \*To irrevocably accept the resignation of any employee on behalf of the Board. (\* Revised October, 2001)

### **POLICY APPRAISAL FUNCTION**

The Board of Education shall continuously appraise the educational effectiveness of its policies and programs and make appropriate changes from time to time as it deems necessary.

### **ADOPTION, AMENDMENT OR SUSPENSION OF POLICIES AND BYLAWS**

The policies, amendments and bylaws of the Board of Education shall be subject to adoption only upon a majority vote of the members elected at a meeting in the call for which the proposed policy or by-law has been described in writing, or upon a unanimous vote of all the members of the Board when no such written notice has been given.

To help the Board to be as fully informed as possible of the operations of the district and to assist the Board in gathering and developing information necessary for the proper functioning of the district, the Board may use a system of committees. These committees may be of either a temporary or standing nature.

The committees shall not be delegated any decision-making powers, nor shall they exercise any of the Board's governmental or proprietary functions. The committees shall be solely advisory in nature and any reports from such a committee shall be properly and thoroughly discussed by the Board prior to any action.

#### **I. Temporary or Special Committees**

- A. The President may appoint temporary committees comprised of not more than three (3) members for a special purpose.

Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20

# BYLAWS

B. It shall be the function of temporary or special committees to:

- 1) Consider such business of a non-recurring nature as shall be delegated to them by the Board,
- 2) Report to the Board such information or recommend such action as a majority of their members shall deem necessary or proper, whereupon the committee shall be dissolved.

## II. Standing Committees

- A. The President of the Board shall appoint the members of all standing committees and shall designate the respective chairperson from among Board members serving on the committee.
- B. Tenure of these committees shall be for the calendar year in which appointments are made unless earlier terminated by the President of the Board. Nothing herein shall be construed to prevent the reappointment of any committee member.
- C. Membership shall be comprised of not more than three (3) Board members. The superintendent, or his/her delegate, shall be an ex-officio member of all standing committees.
- D. Standing committees of the Board shall be:

### Committee of the Whole

The purpose of the Committee of the whole is to provide the entire Board of Education with an opportunity to meet for discussion, professional development workshops and for in-depth learning of a selected topic. The Committee of the Whole shall act in accordance with the Open Meetings Act.

## III. Announcement of Committee Meetings

All Standing Committee Meetings shall be called by the chairperson. The Superintendent shall be notified of all Standing Committee Meetings in the same manner as are regular committee members.

## IV. Committee Agenda and Guidelines for Meetings

Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20

## **BYLAWS**

An agenda should be prepared for each committee meeting, and discussion should be confined to matters within the scope and purpose of the given committee. The chairperson is expected to keep the length of meetings within a reasonable time frame, and conserve the time required of any staff consultants present by scheduling in such a way that interference with other staff responsibilities is minimized.

### **COUNSEL**

The Board of Education has the authority to employ legal counsel. It shall be the duty of the counsel to advise the Board on specific legal problems submitted to them and to make recommendations on matters in litigation or otherwise of legal concern to the District as they feel desirable.

*Legal Reference: State of Michigan General School Laws, June 1960, Sec. 373, p.128*

### **AUDITOR**

The Board of Education has the authority to employ an independent auditor. It shall be the duty of the auditor to conduct examinations of the financial records of the School District at the close of each fiscal year in accordance with accepted auditing standards and to render an opinion thereon. The auditor shall also be available to consult with the Board, the Superintendent or the appropriate business administrator for the District concerning the financial records, procedures and related activities and to otherwise perform accounting services as may be requested by the Board or Superintendent.

### **DATES AND PLACES OF BOARD MEETINGS**

Regular meetings of the Board of Education will generally be held the second Monday of each month beginning January 2019. Meetings shall be held in the Fitzgerald Automotive and Pre-Engineering Technology Institute, on the high school campus, located at 23200 Ryan Road, Warren, Michigan 48091. Meeting dates, place and time are all subject to change by the Board. Posting notice of Board meetings shall be pursuant to law.

### **PARLIAMENTARY PROCEDURE**

Unless otherwise provided in the Board's Bylaws, the Board shall conduct all its meetings in accord with Robert's Rules of Order, Revised.

Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20

# BYLAWS

*Legal Reference: Robert's Rules of Order, latest edition.*

## **QUORUM**

Four (4) members of the Board shall constitute a quorum for the transaction of business. A majority vote of four (4) may pass a resolution, but a lesser number may adjourn to a future date.

The only business that can be transacted in the absence of a quorum is to take measures to obtain a quorum, to fix the time in which to adjourn, and to adjourn, or to take a recess.

*Legal reference: Robert's Rules of Order, Revised, 1951: Section 64, pp. 258-259.*

## **NOTICE TO PUBLIC**

Notice of meetings of the Board shall be posted at the office of the Board of Education. For regular meetings of the Board of Education, there shall be posted within ten (10) days after the annual meeting in each fiscal year a public notice stating the dates, times and places of regular meetings.

If there is a change in the schedule of regular meetings, there shall be posted within three (3) days after the meeting at which the change is made, a public notice stating the new dates, times and places of regular meetings.

For a rescheduled regular or special meeting of the Board, a public notice stating the date, time and place of the meeting shall be posted at least eighteen (18) hours before the meeting. The requirement of the eighteen-hour notice shall not apply to special meetings of subcommittees.

Nothing shall bar the Board from meeting in emergency session in the event of a severe and imminent threat to the health and safety or welfare of the school children of the District when two-thirds of the members serving on the Board decide that delay would be detrimental to efforts to lessen or respond to the threat.

*Legal Reference: Open Meetings Act, P.A. 267, Sections 4 and 5.*

## **MEETINGS OF THE BOARD**

A meeting, at which a quorum is present, with proper notice having been given, shall be considered a legal meeting for the transaction of business. Meetings of the Board shall be public meetings and no person shall be excluded there from. The Board may hold closed sessions but all decisions of the Board shall be made at public meetings.

## **SPECIAL MEETINGS**

Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20

## **BYLAWS**

The President may call a special meeting of the Board whenever he/she or the Superintendent considers such a meeting desirable. Notice of special meetings shall be posted as provided in the section "Notice to Public".

### **PUBLIC MEETINGS**

All meetings of the Board of Education, where action is taken, shall be public meetings.

### **CLOSED MEETINGS**

A two-thirds roll call vote of members serving on the Board of Education shall be required to call a closed session, except for closed sessions permitted under 1, 2, and 3 below. The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

A separate set of minutes shall be taken by the Secretary at a closed session. These minutes shall be retained by the Secretary, shall not be available to the public, and shall only be disclosed if required by civil action. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

The Board of Education may meet in closed session for the following purposes:

1. To consider the dismissal, suspension or disciplining of, or to hear complaints or charges brought against an employee, staff member, or individual agent, when the named person requests a closed hearing.
2. To consider an appeal of the dismissal, suspension, or disciplining of a student when the student or the student's parent or guardian requests a closed hearing.
3. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
4. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
5. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.
6. To review the specific contents of an application for employment or appointment to public office when the candidate requests that the application remain confidential. However, all interviews by the Board of Education for employment or appointment to a public office shall be held in an open meeting.

Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20

# BYLAWS

7. To consider material exempt from discussion or disclosure by state or federal statute.

*Legal Reference: Open Meetings Act, P.A. 267, Sections 7 and 8 Amended: 06/21/18*

## **RECOMMENDED AGENDA**

### **Order of Business**

The Board uses the consent Agenda format. This allows for certain items to be designated and identified as part of the Consent Agenda, and therefore, acted on in a single motion. Items may be removed from the Consent Agenda by any member of the Board at the time of the meeting and placed on the regular agenda. *Amended: 06/21/18, 8/23/18*

1. Call to Order
2. Declarations
  - a. Pledge of Allegiance
  - b. Vision/Mission
  - c. Value Statements
3. Adoption of Agenda
4. Student/Staff Recognition
5. Action on the Consent Agenda
6. Minutes
7. Business Affairs
8. Correspondence
9. Superintendent's Recommendations
10. Reports and Presentations
11. Unfinished Business
12. New Business
13. Board Items
14. Audience Participation
15. Adjournment

## **ADDRESSING THE BOARD - PUBLIC**

Persons wishing to address the Board of Education must identify themselves by name and address and indicate their desire to be heard at the outset of the Board meeting or when otherwise requested to do so by the President of the Board of Education. Each person wishing to address the Board will be permitted a reasonable time, not to exceed three (3) minutes

Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20

## BYLAWS

except in unusual circumstances, in which to be heard; the amount of time allotted to be within the discretion of the President of the Board of Education.

*Adoption Date: June 23, 1977; Amended: 03/17/83, 10/17/85, 03/05/87, 04/21/94, 05/05/05 and 10/15/09.*

### **Participation in a Meeting from a Remote Location**

The Fitzgerald Board of Education recognizes that there are instances when individual board members may need to participate in a meeting via electronic means from a remote location. The following parameters are to be used for such participation:

1. A quorum of the Board shall be physically present at the meeting location. (Quorum is defined as a majority of the members elected to, appointed, and serving on the Board.)
2. Participation in a meeting via electronic means such as telephone conference calls, computer webcam, or a teleconference arrangement will be limited to situations when a member is unable to attend a meeting due to circumstances beyond the control of the member.
3. Requests to participate from a remote location shall be made to the Board President/designee and the decision of the Board President/designee shall be final.
4. A meeting that involves a member participating from a remote location must be conducted by using, at a minimum, a two-way audio connection so that the person(s) participating remotely can be heard at the meeting site and can hear the discussion at the meeting site.
5. All votes shall be taken by roll call when any member is participating from a remote location via electronic means.
6. For each member of the Board attending the meeting electronically, a public announcement at the outset of the meeting by that member, to be included in the meeting minutes, that the member is, in fact, attending the meeting electronically and, except for members who are participating electronically due to military duty, stating the county, city, township or village and state where the member is located.
7. Public Act 228 of 2020 allows for the electronic participation by Board members who are absent due to a medical condition or due to a statewide or local state of emergency declared pursuant to law or charter by the governor or local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person. In the event of such an emergency, if the meeting location is usually held in an affected area the entire Board may participate electronically, otherwise, only members who reside in the affected area may participate electronically. In the event a school board member must be physically absent due to military duty, the school board member will be allowed to participate in and vote on business before the school board by conference call or videoconferencing. In addition,

Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20

## **BYLAWS**

contact information for the military service member will be posted along with regular and special meeting notices.

*Adopted: 4/15/2010 Legal reference OMA, PA 485; Adopted: 10/16/2020 Legal reference OMA, PA 228*

### **BOARD REFERENCE LIBRARY**

Reference and Historical Board Library will be established to provide pertinent reference materials and information on School Board matters. Although primarily for loan to the Board members, the library will be available on a non-loan basis to the administration and staff.

Adopted: 05/05/88; Reviewed: 04/21/94, 05/05/05; Amended & Adopted: 06/28/12, 09/24/12; 11/07/13, 07/06/17, 10/05/17, 06/20/18, 09/06/18, 10/04/18; 2/11/19; 6/24/19; 11/02/20