

TECHNICAL CORRECTION - 0142.3, 0144.3, VOL. 27, NO. 1

MEMBERSHIP

0141 **Number**

The School Board shall consist of 8 members.

0141.1 ~~Student Body Representatives~~

~~The Board shall have _____ representative(s) from the high school student body selected by~~

~~(-) the Board.~~

~~(-) the Superintendent.~~

~~(-) the Student Council.~~

~~{-} Each representative shall be allowed to participate in all Board discussions and attend committee meetings to which they may be assigned or invited. The student body representative(s) shall not be allowed to vote or participate in closed sessions.~~

~~{-} The Superintendent shall arrange for a place on the agenda at which time the student body representative(s) shall provide the Board with items of concern and/or interest to the student body.~~

~~{-} The Superintendent shall approve any such items to be presented to the Board in its agenda.~~

~~{-} The student body representative(s) shall be responsible for communicating Board questions or decisions pertaining to students to the student council authorized by Policy 5820.~~

0142 **Election/Appointment of Members and Eligibility to Serve**

Members of the Board shall be qualified and elected in accordance with the Corporation's organization plan on file with the State Board of Education. In accordance with I.C. 20-26-4-11, if a teacher or a noncertified employee (as defined in I.C. 20-29-2-11) of the Board is elected or appointed to the Board, the employee must resign from employment by the Board before serving on the Board.

No person otherwise eligible to assume office as a member of the Board shall be disqualified on the basis of age if s/he is at least twenty-one (21) years of age (I.C. 20-26-4-9); and ownership of property shall not be a qualification to serve as a Board member (I.C. 20-26-4-11).

Before August 1st of each school year (July 1 to June 30), the ~~Superintendent~~**Executive Director** shall file with the State Superintendent of Public Instruction a listing of the:

- A. names and addresses of members of the Board;
- B. names and addresses of the Board's officers;
- C. expiration dates of the terms of the Board members and officers.

Should a change occur in Board membership during the term of one or more members of the Board, the School Corporation shall file the change with the State Superintendent of Public Instruction within thirty (30) days after the change occurs. (I.C. 20-23-8-22)

0142.1 **Term**

The term of each Board member shall be __1__ years.

0142.2 **Oath**

Each newly elected, re-elected, appointed or re-appointed Board member shall take an oath of office administered by a notary public or other qualified person not later than thirty (30) days after the beginning of the term of office to which s/he was elected or appointed as well as other oaths which may be required for transactions connected with or related to the educational program of the Corporation. (I.C. 33-16-4-1)

The oath must be signed by the Board member and the person who administers it and filed in the circuit court clerk's office of the county containing the greatest percentage of the population of the school corporation. (I.C. 20-26-4-2; I.C. 5-4-1-4)

0142.3 **Vacancies**

The position of a Board member shall become vacant upon the occurrence of any one (1) of the following events:

- (X) death of the member is certified by the clerk of the circuit court (I.C. 5-8-6 and I.C. 20-26-4-4.5(c))
- (-) ~~failure of a sufficient number of petitions for candidates for Board membership being filed for an election (I.C. 20-26-4-4(c))~~
- (-) ~~a member submits a written resignation from the Board to the clerk of the circuit court pursuant to I.C. 5-8-3.5-1(a)(4)~~
- (X) a member is convicted of a felony ~~(I.C. 5-8-1-38)~~
- (-) ~~a member's election or appointment is declared void by a competent tribunal~~
- (-) ~~the winner of an election fails to take the oath of office required by I.C. 20-26-4-3-2~~
- (-) ~~a member ceases to possess the legal qualifications for continuing to hold office~~

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~~(-) a member ceases to be a resident of the Corporation
(I.C. 20-23-4-30(e)) (applicable to community school
corporations only)~~

(X) a member is removed from office by action of the Circuit Court pursuant to I.C. 5-8-1-35

(X) a court enters an order removing a member from office based upon a conviction for bribery or official misconduct under I.C. 35-50-5-1.1

(X) a member is convicted of any crime against the laws of the United States where the sentence imposed exceeds six (6) months, evading the Selective Service Act, engaging in conspiracy or an attempt to defraud the government of the United States, or seditious utterances in violation of the laws of the United States (I.C. 5-8-3-1)

(X) a member voluntarily became intoxicated within the business hours of the Board, or is in the habit of becoming intoxicated by the use of intoxicating liquors and is removed from office under I.C. 34-17 (I.C. 5-8-2-1)

I.C. 5-8-1-35, 5-8-3.5-1

I.C. 20-23-4-30

Filling a Board Vacancy

A vacancy shall be filled by the remaining members of the Board within thirty (30) days after the vacancy occurs. If a tie vote occurs among the remaining members of the Board or between candidates for the Board under I.C. 3-12-9-4, or the remaining members of the remaining Board members fail to fill a vacancy on the Board within thirty (30) days after any vacancy occurs, the judge of the circuit court shall make an appointment to fill the vacancy. (I.C. 20-23-4-30(d)(1) & (2))

- [] The Board shall seek qualified and interested candidates from the community through the news media, word of mouth, and contacts with appropriate organizations.
- [] All applicants are to submit a notice of their interest, in writing, to the _____.
- [] The Board shall interview all interested candidates to ascertain their qualifications.

0142.4

Board Member Leave of Absence for Military Service

A Board member who elects to take a leave of absence because s/he has been called into active duty in the Armed Forces of the United States or the National Guard and is therefore unable to perform the duties of boardmanship is entitled to a leave of absence for the period of time of the active duty. A Board member's salary will be prorated to reflect the period of active duty.

The Board member shall give written notice to the Clerk of the Circuit Court stating that s/he has been called into active duty and will be temporarily unable to perform the duties of school Board member.

During the Board member's leave of absence the position on the Board must be filled in the same manner as filling other vacancies on the Board. The person selected or appointed serves until the date the Board member's leave of absence ends or the term of his/her office expires.

The person selected or appointed to the Board assumes the rights and duties of boardmembership and receives the adopted compensation established for the office for the time of the temporary appointment.

In the event the Board member's term of office expires during such a leave of absence, the office shall be filled as provided by law. Except as provided by a Federal law or regulation, a Board member who is on such a leave of absence is entitled to become a candidate for and be elected to the office from which s/he has taken a leave of absence.

I.C. 5-9-4

0142.5

Orientation

The Board believes that the preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the Corporation, and learn Board procedures. Accordingly, the Board shall give to each new Board member

[] no later than his/her first regular meeting as a Board member

for his/her use and possession during the term on the Board the following items:

- () a copy of the Board policy manual
- () a copy of the ~~Superintendent~~Executive Director's administrative guidelines
- () a copy of each current negotiated agreement

- () the current budget statement, audit report, and related fiscal materials

(Other Materials) _____

- () The Board will provide and maintain a library of publications and reference materials for the use of Board members.

- () Each new Board member shall be invited to meet with:

- () the Board President

- () the ~~Superintendent~~Executive Director

- () the Business Manager

to discuss Board functions, policies, and procedures.

- () The Board shall encourage the attendance of each new Board member at orientation and training meetings.

0143

Board Member Authority

Individual members of the Board do not possess the powers that reside in the School Board.

- [] but no member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

Access to Corporation personnel records shall be subject to the following guidelines:

- A. Examination of school employee personnel records by the School Board shall be conducted only at executive sessions of the Board. Any Board member may request that the ~~Superintendent~~Executive Director bring the personnel records of a designated employee(s) to an executive meeting of the Board.

- B. Personnel records shall, in their entirety, be returned to the custody of the ~~Superintendent~~ **Executive Director** at the conclusion of the executive session of the Board.
- C. Information obtained from employee personnel records by members of the Board shall be used only for the purpose of aiding the members in fulfilling their legal responsibilities in making decisions in matters such as appointments, assignments, promotions and demotions, remuneration, discipline, and dismissal or to aid the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.

I.C. 20-26-5-4

0143.1 **Public Expressions of Board Members**

The Board President functions as the official spokesperson for the Board.

From time-to-time, however, individual Board members make public statements on school matters:

- A. to local media;
- B. to local officials and/or State officials.

Sometimes the statements imply, or the readers (listeners) infer, that the opinions expressed or statements made are the official positions of the Board. The misunderstandings that can result from these incidents can embarrass both the member and the Board. Therefore, Board members should, when writing or speaking on school matters to the media, legislators, and other officials, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

- A. This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:

1. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter
 2. routine, not for publication, correspondence of the ~~Superintendent~~ **Executive Director** and other Board employees
 3. routine "thank you" letters of the President of the Board
 4. statements by Board members on nonschool matters (providing the statements do not identify the author as a member of the Board)
 5. personal statements not intended for publication
- B. Copies of this bylaw shall be sent to local media by the Board President.

0144

Operations

0144.1

Compensation

Board members shall receive each year a basic compensation of \$_____ per _____ (maximum of \$2000 per annum) as well as a per diem in an amount stipulated by a Board resolution acted upon at the annual organizational meeting. Expenses of a Board member shall be reimbursed when incurred in the performance of his/her duties or in the performance of functions authorized by the Board and duly vouchered.

I.C. 20-26-4-7

The following guidelines have been established by the Board to ensure appropriate and proper reimbursement of expenses for Board members.

- [] Expenses will be reimbursed only for activities authorized by the Board.

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Reimbursement for mileage will not exceed the current rate established for Corporation employees.

- [] Attendance at Board-approved conferences should be at the location closest to the Corporation.
- [] When attending a Board-approved conference, all fees, parking, mileage, meals, and lodging will be reimbursed.
- [] Purchase of any printed or other materials relating to Boardmanship will be reimbursed if prepurchase approval is given by the Board. If such approval is not possible or feasible, a voucher must be submitted to the Board for approval. No postpurchase voucher will be approved if it exceeds \$_____.
- [] When the Board attends a community or school-related event as a Board function, or if a Board member attends as the designated representative of the Board, any incurred expenses, including mileage, will be reimbursed by the Board. If a Board member attends such events as a private citizen, any incurred expenses are to be paid by the Board member.
- [] No entertainment expenses or purchases of alcoholic beverages are reimbursable.
- [] A voucher detailing the amount and nature of each expense must be submitted to the Board for approval within _____ days after the expenses have been incurred.

0144.2

Board Member Ethics

A School Board member should honor the high responsibility which his/her membership demands by:

- A. thinking always in terms of "children first";
- B. understanding that the basic function of the School Board member is "policy-making" and not "administrative", and by accepting the responsibility of learning to discriminate intelligently between these two functions;
- C. accepting the responsibility along with his/her fellow Board members of seeing that the maximum of facilities and resources is provided for the proper functioning of schools;

- D. refusing to "play politics" in either the traditional partisan, or in any petty sense;
- E. representing at all times the entire school community;
- F. accepting the responsibility of becoming well informed concerning the duties of Board members, and the proper functions of public schools;
- G. recognizing responsibility as a State official to seek the improvement of education throughout the State.

A School Board member should respect his/her relationships with other members of the Board by:

- A. recognizing that authority rests only with the Board in official meetings, and that the individual member has no legal status to bind the Board outside of such meetings;
- () recognizing the integrity of his/her predecessor and associates and the merit of their work;
- B. refusing to make statements or promises as to how s/he will vote on any matter which should properly come before the Board as a whole;
- C. making decisions only after all facts bearing on a question have been presented and discussed;
- D. respecting the opinion of others and by graciously conforming to the principle of "majority rule";
- E. refusing to participate in irregular meetings such as "secret" or "star chamber" meetings, which are not official and which all members do not have the opportunity to attend;
- () attempting to fairly appraise both the present and future educational needs of the community.

A School Board member should maintain desirable relations with the ~~Superintendent~~ **Executive Director** of Schools and his/her staff by:

- A. striving to procure, when the vacancy exists, the best professional leader available for the head administrative post;
- B. giving the ~~Superintendent~~ **Executive Director** full administrative authority for properly discharging his/her professional duties, and also by holding him/her responsible for acceptable results;
- C. acting only upon the recommendation of the ~~Superintendent~~ **Executive Director** in matters of employment or dismissal of school personnel;
- D. having the ~~Superintendent~~ **Executive Director** present at all meetings of the Board except when his/her contract and salary are under consideration;
- E. referring all complaints to the proper administrative office and by discussing them only at a regular meeting after failure of administrative solution;
- F. striving to provide adequate safeguards around the ~~Superintendent~~ **Executive Director** and other staff members to the end that they can live happily and comfortably in the community and discharge their educational functions on a thoroughly professional basis;
- G. presenting personal criticisms of any employee directly to the ~~Superintendent~~ **Executive Director**.

A School Board member should meet his/her responsibilities to his/her community by:

- A. attempting to appraise fairly both the present and future educational needs of the community;
- B. regarding it as a major responsibility of the Board to interpret the aims and the methods of the schools of the community;

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- C. insisting that all school business transactions be on an open, ethical, and above-board basis;

- D. vigorously seeking adequate financial support for the schools;
- E. refusing to use his/her position on a School Board in any way whatsoever for personal gain or personal prestige;
- F. refusing to discuss personnel matters or any other confidential business of the Board in his/her home, on the street, or in his/her office;
- G. winning the community's confidence that all is being done in the best interests of school children.

Indiana School Boards Association

0144.3

Conflict of Interest

Board members shall utilize the authority of their position solely for the benefit of the school community. To this end:

A. Conflict of Interest Disclosure

If a Board member or a spouse or dependent has a pecuniary interest in a contract or purchase to be approved by the Board, or a Board member or a spouse or dependent will profit from a contract or purchase to be approved by the Board, the Board member shall submit a written Conflict of Interest disclosure on State Board of Accounts Form 236. The disclosure shall be submitted for approval by the Board before the Board considers approval of the contract or purchase addressed in the disclosure. The Board member **() shall () shall not [end of option]** participate in the discussion or vote on the acceptance of his/her disclosure or approval of the contract or purchase, and the role played by this Board member shall be described in the minutes of the meeting.

A written conflict of interest disclosure on State Board of Accounts Form 236 that is approved by the Board shall be filed by the ~~Superintendent~~**Executive Director** with the State Board of Accounts and the Clerk of the Circuit Court within fifteen (15) calendar days after approval by the Board.
I.C. 35-44-1-3

B. Profiteering From Public Service

For one (1) year after leaving the Board, a member of the Board shall not obtain a pecuniary interest in any contract or purchase which was approved by the Board during his/her Board service unless the former member:

1. was screened from any participation in the contract or purchase
2. has not and will not receive a part of any profit from the contract or purchase by the Board; and
3. promptly gives notice to the Board of his/her interest in the contract or purchase.

This limitation does not apply if the Board member receives less than \$250.00 of the profits from the contract or purchase.

I.C. ~~35-44.1-7~~35-44.1-1-4
I.C. 35-44.1-1-5

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0144.4

Defense and Indemnification of Board Members

This bylaw is applicable to all types of civil claims under law including tort claims, civil rights claims, and contract claims. The Board will pay all costs and fees incurred by or on behalf of any Board member in the defense of any claim under law if the Board by resolution determines that the Board member's actions upon which the claim is based arise out of the performance of the member's duties as a Board member, and were taken in good faith.

The Board shall, subject to the provisions of Indiana law, also pay any judgment, compromise, or settlement of a claim, or suit when the Board determines by resolution that it is in the best interest of the Corporation to do so, the act or omission upon which the claim is based occurred within the scope of the Board member's duties as a Board member, and the member did not act in bad faith, or with malfeasance in office. The intent of this bylaw is to hold the Board member harmless from any liability, cost, or damages in connection with such a claim, including but not limited to the payment of legal fees and court costs, except where the liability, cost, damage, or fees are predicated on, or arises out of, the bad faith of the Board member or the claim or judgment is based on the member's malfeasance in office.

If a present or former Board member is or could be subject to personal civil liability for a loss occurring because of a noncriminal act or omission within the scope of the member's duties which violates the civil rights laws of the United States, the Board shall, subject to the limitations established by Indiana law pay the judgment, compromise, or settlement of the claim or suit if the Board determines by resolution that paying the judgment, compromise or settlement is in the best interests of the Corporation. The Board shall also pay all costs and fees incurred by or on behalf of Board member in defense of any such claim or suit.

A Board member shall not be personally liable on contracts entered into within the scope of the member's duties as a Board member unless the contract clearly states otherwise in writing.

I.C. 20-26-5-4(17)
I.C. 34-13-2
I.C. 34-13-3-5
I.C. 34-13-3-20
I.C. 34-13-4-1
I.C. 35-44-1-3
I.C. 35-44-1-7

0144.5 **Gifts and Gratuities**

[CHOOSE OPTION #1 OR OPTION #2 OR OPTION #3, IF DESIRED.]
[NOTE: NEITHER OPTION #1, 2, OR 3 IS REQUIRED BY LAW.]

☐ **Option #1**

A Board member or a Corporation employee making a recommendation to the Board on a matter to be considered by the Board shall not accept any gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter.

☐ **Option #2**

A Board member or a Corporation employee making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44.1-1-2.

☐ **Option #3 [NOTE: THIS IS NOT MANDATORY UNDER INDIANA LAW]**

A Board member who has accepted a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision may return the gift or gratuity or its value to the source and thereafter participate in the process of consideration of the matter, and the Board vote on the matter.

[END OF OPTIONS]

If a Board member taking part in evaluating a proposal to be considered by the Board, or a dependent of that Board member, has accepted a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision, the Board member shall abstain from all involvement in the formulation of a recommendation to the Board, Board discussion on the matter, and the Board vote on the matter.

I.C. 35-44.1-1-2

[Note: The Indiana Conflict of Interest statute does not address this subject. However, a substantial gift could be considered Bribery which is a Class C felony. (See Indiana Code 35-44.1-1-2.)]

I.C. 35-44.1-1