

ARTICLE 9: BYLAWS OF THE BOARD OF EDUCATION

ROLE OF BOARD AND MEMBERS

Introductory Statement

9000

Under the American school system, the board of education is largely responsible for determining the nature of the extent of the educational program. One of the major functions of the board of education is to determine the policies and bylaws that guide the operation and improvement of the schools. Many phases of school operation are automatically covered by the statutory laws of the State of Nebraska. All of the mandated laws governing school operation naturally control school policy. In general, however, the laws of Nebraska allow enough latitude for the local board of education to improve the schools or to permit them to deteriorate, depending upon the policies it adopts. These policies represent an extensive study and a co-operative effort to classify orderly and publish the practices and policies of the board of education of this school district. It has been the aim in the development of these policies and bylaws to provide in terms continuous improvement of the program of instruction. Some of the factors that have been taken into consideration in the construction of these policies and bylaws are as follows:

- I. New board action automatically rescinds previous policies.
- II. All policies shall be reviewed by the board of education.
- III. The ultimate goal of these policies is the improvement of instruction for the children attending this school district.
- IV. All policies should be in harmony with the purposes of the school.
- V. These policies should conform to the basic principle that the proper function of a board of education is that of policy making and appraisal. The mechanics and details of carrying out policies and dealing with the school personnel should be delegated to the superintendent of schools.
- VI. The requirement of statutory law and the criteria for accreditation by the Nebraska Department of Education, as well as the customs and traditions of Custer County School District No. 180 have been considered.

VII. An attempt has been made to avoid unnecessary detail; the flexibility has been sought.

It is hoped that these policies and bylaws serve as a guide to all employees of Custer County School District No. 180. It is intended that every employee shall read a copy of the adopted policies, and it is hoped that each employee will become familiar with all policies. When any addition or revision is made by the board of education, each employee shall read a copy of the changes made and that information shall become a part of the official statement of the policy.

It is also intended that the school board policies and bylaws shall receive wide circulation among the patrons of Custer County School District No. 180 so that they may participate in the improvement of their schools. It is the desire of the board of education that these policies and bylaws lend a sense of confidence and consistency to the educational efforts of the community.

ORGANIZATION AND ELECTION OF OFFICIALS

School District Organization

9105

The corporate and legal name of this school district shall be the Custer County School District No. 180. It shall also be known as the Callaway Public Schools, of Callaway, Nebraska. The school district is designated as a Class III school district. Its official place of business shall be located at 101 North Needham Street, P.O. Box #188, Callaway, Nebraska 68823.

Legal Reference:	§79-102	School	District,
		Classification.	
	§79-307	School Districts,	Numbering.
	§79-405	District, Body	Corporate,
		Powers, Name.	
	§79-407	Classification,	Boundaries,
		Name, Body,	Corporate,
		Powers, Control	Over
		Property, Annexed,	School
		District	Territory,
		Negotiation,	Election,
		Questions on Ballot.	

The board of education shall be composed of six members and their terms of office shall be overlapping as set forth in Nebraska statutes. The terms of office of board members shall expire on the first Thursday after the first Tuesday in January. Terms shall be staggered so that three members shall be elected at general elections for terms of four years. Any candidate for the board of education must be a registered voter in the school district.

A vacancy shall occur on the board of education when a member is continuously absent from the district for more than sixty days (60) at one time or from more than two consecutive regular meetings of the board of education unless excused by a majority of the remaining members of the board of education.

Any vacancy on the board of education resulting from any cause other than that of the expiration of a term shall be temporarily filled by appointment by the remaining members of the board of education by a qualified registered voter. Any vacancy shall be temporarily filled by an appointment within forty-five (45) days after the vacancy occurs unless good cause can be shown that the temporary appointment will create an undue burden. A registered voter shall be nominated at the next primary election and elected at the following general election for the remainder of the unexpired term.

Legal Reference:	§32-453	Class III School District, Member, Terms, Qualifications.
	§32-554	School District Election, At Large or By District Wards.
	§32-567	Vacancies, How Filled.
	§32-570	School Board, Vacancy, How Filled.

Officers

9115

The board of education shall hold its regular, annual, organizational meeting in January at which time it will elect its officers for the coming calendar year.

At this meeting the board of education shall elect from its body a president, a vice-president, a secretary, and a treasurer each of which will hold office for the ensuing year. The superintendent of schools shall serve as the ex-officio secretary for the school district.

Legal Reference:	§32-543	Class III Board of Education, Members, Term.
	§79-564	Class III Districts, Board, Officers, Elect.

MEMBERS

President

9205

The president shall preside at all meetings, appoint committees, execute documents on behalf of the school district, perform all other duties prescribed by law or by the board. He or she shall have the right to offer motions or resolutions, to discuss and to vote thereon.

The president shall countersign all orders upon the treasury for money to be disbursed by the school district and all warrants of the secretary on the county treasurer for money raised for district purposes or apportioned to the district by the county superintendent of schools. The vice-president may sign warrants in the absence of the president of the board of education.

The president, or the person presiding at any meeting of the board of education, shall be responsible for enforcing the usual parliamentary rules, and, after notice, may order any disorderly person to withdraw from a meeting or request that the person be taken into custody until the meeting has adjourned.

Any person who shall refuse to withdraw from board meeting on being so ordered, or who shall willfully disturb a meeting shall be guilty of a Class V misdemeanor.

Legal Reference:	§32-543	Class III Board of Education, Members, Term.
	§79-569	President, Duties, Right to Vote.
	§79-570	President, Meetings, Maintenance of Order.
	§79-571	District Meetings, Disorderly Conduct, Penalty.
	§79-590	Board of Education, Treasurer, Duties, Bond, Compensation.

Secretary

9215

The secretary shall be responsible for keeping an accurate record of all board of education business in the school minutes. The secretary shall give rise to cause the notices for special meetings to be sent. He or she shall sign all papers that require signature of the board of education. The school district shall provide the secretary with a book for recording all business of the school district and it shall be the secretary's responsibility to see that these records are safely preserved.

It shall be the duty of the secretary of the board of education to, within ten (10) days after any regular or special meeting to publish one time in a legal newspaper of general circulation in the school district, a list of all claims allowed, setting forth the name of the claimant and the amount. The secretary shall also be responsible for seeing that a concise summary of all proceedings is published.

The secretary shall sign all warrants issued to draw money from the school district treasury and countersigned by the president of the board of education. The superintendent of schools shall be authorized to sign warrants which may draw funds from the school activity fund.

The secretary shall be responsible for overseeing the taking and maintaining a school census of individuals residing within the school district. This census record may be either a permanent and continuing census or it may be an enumeration only of school children from birth through age 21. This record shall be kept in a depository maintained by the school and open to inspection during normal school hours. This school census shall also identify any children possessing any handicapping conditions.

No elected member of the board of education shall receive any compensation for services performed in discharging the duties of his or her office.

Refer to Policy 3115, Signing Warrants.

Legal Reference:	§32-543	Class III Board of Education, Members, Term.
	§79-520	Board of Education, Selection of Officers, Rules and Regulations, Compensation.

§79-528	Secretary, Reports, Filing Requirements, Contents.
§79-555	Board of Education, Meetings, When Held, Publication of Claims and Summary of Proceedings, Exceptions.
§79-575	Secretary, Disbursements, How Made.
§79-576	Secretary, Duty as Clerk of District.
§79-577	Secretary, Books, Records and Reports, Duty to Preserve.
§79-578	Secretary, School Census, Duty to Take, time Allowed, Mentally Handicapped and Physically Handicapped, Separate Distribution or Apportionment of School Funds.
§79-581	Publication, of Proceedings, Non-Compliance by Secretary, Penalty.

The board of education may select a treasurer from its own group. The duties of the treasurer shall be as follows:

- I. Submit in writing a monthly report of the state of the finances of the school district.
- II. Apply for and receive from the county treasurer all school money apportioned to the district and deposit the same in proper accounts.
- III. Collect all other monies received by the district and deposit the same in proper accounts.
- IV. Keep such records, make such records, and present budget information as necessary.

Except for investment purposes as provided for in Nebraska Statute §79-1043, the school treasurer is forbidden to lend or use any part of the school funds which may be in his or her possession. Any misuse of school funds may result in fine or imprisonment as provided by the statutes.

The school district shall provide the school district treasurer with a surety bond, payable to the county or counties from which the school district receives tax money. This bond shall be of such sum as may be determined by the board of education but for not less than five hundred dollars, and shall be for the tenure of his or her service. Such bond shall be delivered to the county within ten (10) days after the election or appointment of the treasurer.

The board of education may purchase surety bonds for other members of the board of education or for staff members who may customarily handle school district funds should it deem it to be in the best interest of the school district.

The treasurer shall work with the superintendent of schools in determining investment patterns which will yield the largest return from idle funds.

Legal Reference:	§32-543	Class III Board of Education, Members, Term.
	§79-586	Treasurer, Board, Filings, Failure to Give. Effect.
	§79-587	Treasurer, District Funds,

Receipt and Disbursement.
§79-588 Treasurer, Records and
Reports Required, Delivery
upon Expiration of Office.
§79-590 Board of Education,
Treasurer, Duties, Bonds,
Compensation.
§79-1042 School Funds, Embezzlement by
School Treasurer.
§79-1043 School Funds, Investment,
Interest, Repurchase
Agreements, Securities, How
Held.

Members of the board of education shall endeavor to attend all meetings, discuss items presented on the agenda, suggest other items for consideration, and vote upon motions and resolutions presented.

Official decisions of the board of education can only be made at duly constituted board meetings. Individual board members or groups of board members do not have independent authority to speak for the board of education and should make no out-of-meeting commitments unless directed to do so on behalf of the board of education.

It is important that board members be nonpartisan in dealing with school matters and not subordinate the education of children and youth to the partisan principle, group interest, or personal ambition. In addition to the foregoing, members of the board of education should meet the following duties:

- I. They should have personal integrity, intelligence, and appreciation of the values of good education.
- II. They should be successful citizens willing and capable of assuming responsibilities.
- III. They should have the ability to work with others, should have the courage of their convictions, should always vote their beliefs, and should be champions of public schools.
- IV. They should be prepared and willing to devote time to study educational problems of the local district, the state, and the nation.
- V. They must be willing to make sacrifices of their time, knowledge, and personal pleasure for the benefit of the school district.
- VI. They shall familiarize themselves with the state school laws, regulations of the Nebraska Department of Education, and Custer County School District No. 180 policies, rules, and regulations.
- VII. They shall strive to attain a general knowledge of the educational aims and objectives of the school system.

VIII. They shall work harmoniously with other members of the board of education without trying to either dominate the board or neglect his or her share of the work.

IX. They shall refer complaints to the proper school authorities and shall abstain from individual action.

Legal Reference:	\$79-554	District Board, Quorum, Meetings, Open to Public, Exceptions.
	\$79-555	Board of Education, Meetings, When Held, Publication of Claims and Summary of Proceedings, Exceptions.
	\$84-1411	Meetings of Public Body, Notices, Content, Emergency Meetings, and Duties.

When a member of the board of education is approached by a citizen, parent, student, or employee about a concern or complaint, the board member should:

- I. Listen quietly and patiently to the person and try to understand the concern or complaint.
- II. Encourage the person to discuss the concern or complaint with the school person most directly involved (teacher, sponsor, coach, or administrator).
- III. If that has already been done by the person, then encourage the person to discuss the concern or complaint at the next level of supervision (supervisor or administrator).
- IV. If the person has discussed the concern or complaint at all levels of supervision including with the superintendent of schools, the board member should ask the person if he or she desires to have the board of education give consideration to the situation. Such consideration must be supported by an audience with the board of education or a signed documentation of the concern or complaint. That condition may be waived if the concern or complaint is stated generally by the public and more than one member of the board of education concurs in the generality of the concern or complaint.
- V. Any solution or reaction to the concern or complaint by a board member shall be based upon written and stated policy of the board of education or administrative rules and regulations developed to carry out that policy.
- VI. Should the board member feel that the concern or complaint stated by a person be conveyed to school personnel, the board member should recommend that the person first begin with the office of the superintendent of schools.

School Board Liability

9245

The law and the courts provide that members of the board of education are not immune from liability (torts, etc.); members of the board of education who go against the law or carry out acts in bad faith may be held individually liable for their share of judgment brought against them.

Nebraska statutes permit the board of education to purchase insurance indemnifying the members of the board of education, and other school employees, against tort claims and allegations of errors and omissions. It shall be the policy of the board of education of Custer County School District No. 180 to provide the proper insurance to protect members of the board of education from personal liability so that they may serve the school district without fear of personal loss.

Legal References:	§13-916	Liability Insurance, Effect.
	§23-175.01	Political Subdivision, Personal Liability Insurance, Members, Cost, Payment.
	§79-516	School District, Power to Indemnify, Liability, Insurance, Purchase.

METHODS OF OPERATION

Introductory Statement

9300

All actions of the board of education shall be taken only in official board meetings called, scheduled, and conducted according to these bylaws and the statutes of the State of Nebraska.

Every meeting of the board of education of Custer County School District No. 180 shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings except as otherwise provided by the Constitution of the State of Nebraska, and federal and state statutes.

Legal Reference:	§79-554	District Board, Quorum, Meetings, Open to Public, Exceptions.
	§79-555	Board of Education, Meetings, When Held, Publication of Claims and Summary of Proceedings, Exceptions.
	§84-1408	Declaration of Intent, Meetings Open to Public.
	§84-1412	Meetings of Public Body, Right of Public, Public Body, Powers and Duties.

Proposed new bylaws and suggested amendments to, or revisions of, existing bylaws and policies may be adopted by a majority vote of the board of education (four members) after the proposal has been considered at two scheduled meetings of the board of education.

The proposed additions, amendments, or revisions must be presented in written form prior to consideration by the board of education. The formal adoption of policies and bylaws shall be recorded in the minutes of the board of education. Only those written statements so adopted and so recorded shall be regarded as official board policy.

If at least four members of the board of education vote to do so, the requirement to consider a proposal at two scheduled meetings may be waived to permit specific action to be taken after one reading of the proposal if notice of the pending action has appeared in the published agenda.

All school board policies and administrative regulations shall be reviewed annually before the beginning of the school term.

Reference: Robert' Rules of Order, Revised.

Adoption and Amendment of Administrative Regulations

9310

The board of education may adopt administrative regulations or resolutions or may instruct the superintendent of schools to develop administrative regulations or resolutions should the board of education determine that it would facilitate the operation of the school district. The board of education reserves the right to review and demand revisions of administrative regulations should the regulation, in the judgment of the board of education, be inconsistent with the policies adopted by the board.

Legal Reference: §79-520

Board of Education, Selection of Officers, Rules and Regulations.

Bylaw Adopted: _____
New

Suspension of Policies, Bylaws, and Regulations

9315

Policies, bylaws, administrative regulations, and resolutions shall be subject to suspension for a specified purpose and a limited time by an approval vote of five members of the board of education.

Reference: Robert's Rules of Order, Revised.

Bylaw Approved: _____
New

Through
84-1413

Purpose,
Reasons Listed, Vote to Hold
Closed Sessions, Recorded,
Meetings of Public Body,
Notice, Contents, When
Available, Right to Modify,
Duties Concerning Notice,
Emergency Meetings Without
Notice, Right to Attend,
Rules and Regulations
Regarding Conduct,
Opportunity to be Heard, Roll
Call Vote, Elect Officers,
Secret Ballot, Minutes in
Public Recorded, When
Available.

Bylaw Adopted: _____
New

The Construction and Delivery of an Agenda

9325

The board of education shall require the superintendent of schools to prepare an agenda which, with the minutes and other meeting materials, shall be forwarded to the members in time to permit review prior to the meeting.

The agenda shall be constructed in advance by the superintendent with the aid and advice of the president of the board of education.

The board of education shall transact business only when it is in session, has a quorum present, and minutes are kept. The board of education shall not be bound in any way by any statement or action on the part of any individual board member except when such statement or action is in pursuance of specific instruction of the board of education.

The board of education in regular meetings shall consider only those matters listed on the printed agenda unless the members approve, by a majority vote of those present, plus one, to add items of an emergency nature to the agenda at that point of the meeting that the agenda is approved.

Legal Reference: Chapter 84, Article 14 Public Meetings.

All meetings of the board of education of Custer County School District No. 180 shall be held subject to the following requirements:

- I. All meetings must receive reasonable advance public notice of time and place by a method designated and which has been recorded in the minutes.
- II. Notices of all meetings of the board of education shall be transmitted to all members of the board of education, the public, and the superintendent of schools, unless he or she has otherwise been excused.
- III. Notices of all meetings shall contain an agenda of subjects known at the time of the publicized notice.
- IV. The agenda for all meetings shall be kept current and shall be readily available for public inspection in the office of the superintendent of schools during normal business hours.
- V. The board of education shall have a right to modify the agenda to include items of an emergency nature only at the public meeting.
- VI. The board of education shall maintain a list of news media requesting notification of meetings and a reasonable effort shall be made to provide those agencies with advanced notice of the time and place of all meetings.
- VII. When it becomes necessary for an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken shall pertain only to the emergency.
 - A. Emergency meetings may be held by means of electronic or telecommunications.
 1. The news media will be informed of the time and place of all emergency meetings.
 2. The minutes of all emergency meetings shall specify the nature of the emergency and any formal action taken at the meeting. This information shall be made public no later than the end of the next regular business day.

VIII. The board of education will allow any member of the public or any other witness other than a member of the public body to appear before the board of education in person or by means of video or telecommunications equipment.

IX. The president of the board of education or the superintendent of schools may request the attendance of school district patrons, staff members, or consultants at board meetings to assist in the presentation or interpretation of items on the agenda.

XII. Individuals planning to attend a meeting and requiring physical or sensory accommodations should contact the office of the superintendent of schools five days (5) prior to the scheduled meeting.

Refer to Policy 8320, Determining The Agenda.

Legal Reference: §84-1411 Meetings of Public Body, Notice, Content, When Available, Right to Modify, Duties Concerning Notice, Emergency Meeting Without Notice, Recorded.

Order of Business

9335.3

The order of business of regular board meetings shall be transacted in the order outlined below:

- I. Call to order and take roll.
- II. Minutes.
- III. Correspondence/Guests.
- IV. Financial Report/Claims.
- V. Old Business.
- VI. New Business.
- VII. Principal's Report.
- VIII. Superintendent's Report.
- IX. Adjournment.

The Order of Business may be altered or suspended at any meeting by a majority vote of those present.

Reference: Robert's Rules of Order, Revised.

Bylaw Adopted: _____

New

Parliamentary Procedure

9335.5

The rules of parliamentary procedure as embodied in Robert's Rules of Order may be used as a reference by the school board in its deliberations when the issue in question is not covered by these policies and bylaws.

Bylaw Amended: October 11, 2005

New

Bylaws of the Board - Meetings

Minutes

9340

The Board of Education shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The resignation of a Board member or any other circumstance that results in a vacancy in office shall be made a part of the minutes.

The minutes shall be prepared by the secretary immediately following the meeting, shall be written, shall be available for inspection by the public and for distribution to the members of the Board within ten (10) working days, or prior to the next convened meeting, whichever occurs earlier, and shall be a part of the agenda for the next regular meeting at which time they shall be corrected, if necessary, and approved.

The minutes shall be kept in the office of the superintendent and shall be public records and open to public inspection during normal business hours.

Legal Reference: Neb. Rev. Stat. §§ 79-555; 79-570: and 79-577
Neb. Rev. Stat. §§ 84-1408 to 1414

Date of Adoption: _____, 2010

Bylaw Adopted: _____

9230

Records Management

9345

The board of education designates the superintendent of schools as the records administrator and ex-officio secretary for Custer County School District No. 180. As the records administrator the superintendent of schools shall be responsible for:

- I. The safe-keeping of all records of the school district and preserving all vouchers, reports, deeds, insurance policies, outstanding indebtedness and other papers. He or she shall be responsible for the keeping of such account and record books as the board of education or state law requires; and shall notify all members of the board of education of all special meetings.
- II. In conjunction with the State Archivist, the local records administrator shall develop administrative regulations outlining a retention and disposition schedule for various types of records. He or she shall develop a procedure for the destruction of those records no longer needed.
 - A. The records administrator may recommend that some records be kept for a longer period of time than recommended by the State Archivist, but under no circumstances may a group of records be retained for a shorter period of time.
- III. The records administrator shall determine a sensitivity level for the various groups records and determine who may have access to various groups of records. The records administrator shall determine what records may be taken from the assigned record room and what records must remain within the assigned room.

It shall be the responsibility of the board of education to see that there is adequate safe storage for the records of the school district.

Legal Reference: Chapter 84, Article 12-Records Management Act.

Bylaw Adopted: _____
New

Management of Bank Accounts

9350

Prior to the beginning of each fiscal year, the board of education shall designate the depositories for all school funds. All funds received by the district shall be deposited promptly in the proper account of such depository. The safeguarding of all funds shall be insured by a surety bond approved by the board of education on securities of the United States government pledged by joint custody receipt. All school district accounts will be audited once each year, or more frequently if so determined by the board of education, by personnel that meet the requirements as set forth by the Office of the State Auditor of Public Accounts and the Nebraska Department of Education.

Legal Reference:	\$77-2350	School District or Township Fund, Deposit, Conditions.
	\$77-2350.01	School District or Township Funds, Prorate Deposits.
	\$77-2350.02	School District or Township Treasurer, Violation, Penalty.
	\$77-2351	School District or Township Funds, Security Requirements.

Bylaw Adopted: _____
New

Gifts or Bequests

9355

The board of education will accept gifts or bequests from individuals, estates, or organizations. Such gifts should be given to Custer County School District No. 180, for use by the school district. Presentation of such items must be without restrictions, other than by grade or subject matter area. An item must not discriminate as to sex, race, or religion. Each item should possess only limited references to advertisements or to the individual or group making the donation. Each gift will be reviewed by the board of education prior to its acceptance.

Consideration will be given to an item's overall appropriateness and its ability to meet the educational goals of the youth attending this school district. Should any community organization or group choose to conduct any money-raising ventures to donate an item or a piece of equipment to the school district, the organization is encouraged to discuss the project with the board of education prior to undertaking the project, to ascertain the need for the item or equipment.

Bylaw Adopted: _____
New