

DETROIT BOARD OF EDUCATION



DETROIT BOARD OF EDUCATION BYLAWS

Adopted: November 12, 2009

PREAMBLE

The citizens of the City of Detroit took the historic step of restoring an elected school board to govern the Detroit Public Schools ("the District") and on November 8, 2005, the community elected eleven individuals to serve as their school board members.

Board members are elected at large and by voting district. It is important that Board members, especially those who have been elected by voting district, maintain regular communication with their voting district constituents. In an effort to maintain regular communication with constituents, Board members may, from time to time, establish advisory committees.

Accordingly, pursuant to Michigan Public Act No. 303 immediately effective August 10, 2004, THE ELECTED SCHOOL BOARD of the School District of the City of Detroit ("the Board") hereby succeeds the Detroit School Reform Board and is fully vested with all rights, powers, and duties granted by the Revised School Code to a First Class School District. The Board shall act as a corporate body empowered by the laws of the State of Michigan to do all things in the Board's judgment necessary for the proper establishment, maintenance, management, and conduct of public schools within the City of Detroit.

In order to facilitate the mission of providing a quality education for the students, and in accordance with the laws of the State of Michigan, the Board hereby adopts the following as their bylaws:

GENERAL POWERS

The Board shall exercise its general powers within the limits of a first class school district by law to advance the interests of education, ensure quality governance and preserve public schools in the City of Detroit. The general powers of the Board shall include, but are not limited to:

The Board may take, use, hold, lease, sell, and convey real and personal property for school use, including property received by gift, devise, or bequest, for the benefit of the District.

The Board may ascertain and certify the tax levy for operating expenses, issue bonds and borrow money for school purposes under the conditions and in the manner prescribed by law.

The Board may accept gifts on behalf of the District or its schools, in accordance with Board policies.

The Board may fill Board vacancies and remove members as prescribed by law.

The Board may establish attendance areas and provide textbooks and school materials as

provided by law. It may serve as an agent of the Federal Government in providing educational programs within the District.

It may establish collegiate and non-collegiate courses of study, subject to the approval of the State Board of Education.

The Board shall have authority to adopt bylaws, rules and regulations, establish Board policies and guidelines for its governance, and for the control, government, and security of all public schools, school properties, employees, and students.

The Board shall receive, account for, invest, or expend school district money; borrow money and pledge school district funds for repayment, and-qualify for state school aid and other public or private money from local, regional, state or federal services. In the performance of its duties, the Board shall safeguard the rights and dignity of all persons who come within its jurisdiction as guaranteed under the Constitution and laws of the State of Michigan and the United States of America.

Moreover, the Board shall not discriminate against any persons or groups of persons in any manner or form because of race, color, religion, sex, national origin, marital status, veteran status, or disability. The Board shall ensure the application of these principles to all school functions, operations and activities throughout the District.

Article I DUTIES AND RESPONSIBILITIES

THE BOARD is empowered by the law to exercise its powers, including but not limited to:

- A. The Board shall plan, construct, and maintain a public school system for the District that ensures all children have a fair, equal, and significant opportunity to obtain a high-quality education and affords parents substantial and meaningful opportunities to participate in the education of their children.
- B. The Board shall plan, develop, organize, and operate an efficient educational program within the system.
- C. The Board shall develop educational purposes and program objectives, and develop both short and long-range strategies to achieve these purposes and objectives.
- D. The Board shall authorize specific actions and employ qualified persons to implement the resolutions, policies and procedures of the Board.
- E. The Board shall exercise broad, general control and provide direction to the school system by legislative action, policy determination, cooperative planning with administrative officers, use of consultation, and public participation.
- F. The Board shall ensure that all students have an equal opportunity for quality education for all students through its actions, policy determinations, and practices, without regard to race, color, religion, sex, sexual orientation, national origin or disability.

- G. The Board shall select and hire the General Superintendent of Schools and with the General Superintendent plan the administrative organization.
- H. The Board shall develop fiscal policies, plan the budget, and approve expenditures in accordance with the law and with Board policies.
- I. The Board shall plan and develop effective means of communication and cooperation between the schools and the community.
- J. The Board shall continuously review and evaluate the goals and effectiveness of the system as a whole, or in part, in relation to community needs.
- K. The Board shall authorize the school District's calendar.
- L. Only the Board may enter into collective bargaining agreements with employee organizations, subject to applicable law.
- M. The Board may approve and administer employee agreements and salary schedules.

Article II ORGANIZATION

In accordance with Act 303 of the Public Acts of 2004, as may be amended from time to time, the Board shall consist of eleven Members, four of whom are elected from the First Class District at large, and seven of whom are elected from voting districts. The Board shall meet regularly to consider any and all matters related to the best interest of the school system as a whole. Nominations, elections, and terms of office of Members of the Board shall be in the manner prescribed by law.

Members shall receive compensation as prescribed by law, for each Board meeting, subcommittee meeting attended, and for each authorized duty performed. To be reimbursed for an authorized duty, the duty shall be related directly to the Member's responsibility as a Board Member and shall be authorized in advanced by resolution of the Board. Payment for meetings, subcommittee meetings, and authorized duties shall not exceed a total of 52 meetings, subcommittee meetings, and authorized duties per year unless the majority of the Board votes to remove this limitation.

Reimbursement of expenses, including those expenses associated with attending conferences and seminars on behalf of the Board shall be reimbursed in accordance with Board policy and as provided by law. Secretarial and other staff services for Board Members shall be provided as Board business may require.

A Member of the Board shall not be directly or indirectly interested in a contract with the Board.

Section 1. ANNUAL BUDGET MEETING

The annual budget meeting of the Board shall be held no later than the last day of the fiscal year, as determined by the majority of the Board.

Section 2. FISCAL YEAR

The fiscal and statistical year shall begin on the first day of July of each year.

Section 3. OFFICERS

- A. The officers of the Board shall be a President, a Vice President, a Secretary and a Treasurer. The Board, a majority of which shall constitute a quorum, shall elect its President and Vice President biennially from among the Members of the Board during the first regular meeting of the Board in the month of January in accordance with the law. The election of all officers shall be by roll call vote in each case. The prevailing candidate for President and Vice President shall receive no less than six affirmative votes of the Members. During the election of officers, if no candidate receives the requisite six votes needed to prevail, the Board Members may choose to conduct a run-off of the candidates receiving the highest number of votes for that office.

No Board member shall hold a single office for consecutive terms.

A Board Member must attend at least 4 training classes with the Michigan Association of School Boards before holding an office. *(Required training through Michigan Association of School Boards have been suspended until funding is restored.)*

- B. The Secretary and Treasurer shall be appointed biennially during the first regular meeting of the Board in the month of January, but shall not be Members of the Board.

The Board shall appoint a Secretary whose duties and responsibilities shall be hereinafter defined. The Secretary shall:

1. not be a Member of the Board, and
2. be bonded for not less than \$25,000.

The Board shall appoint a Treasurer whose duties and responsibilities shall be hereinafter defined. The Treasurer shall:

1. not be a Member of the Board, and
2. be bonded for not less than \$200,000.

- C. The President, Vice President, Secretary and Treasurer shall hold office until their successors are duly elected or appointed, and installed.
- D. If the office of Vice President becomes vacant during the calendar year, the Board may elect a replacement by a roll call vote.

Section 4. BOARD APPOINTMENTS

- A. The Board shall select and appoint the General Superintendent of Schools and describe his or her duties.
- B. The Board shall appoint an Independent Auditor as prescribed by law, for its operations.

The Independent Auditor, as prescribed by law, shall perform the usual duties of this office. The Independent Auditor shall also render an annual accounting of Board business and such other reports as may from time to time be deemed advisable.

- C. The Board shall appoint and hire an Inspector General. The Inspector General shall not be a Member of the Board.

The Inspector General shall evaluate the District's efficiency, effectiveness, and compliance with District policies and procedures, laws and governmental regulations. The Inspector General shall also perform other such duties that may from time to time be assigned by the Board.

- D. The Board may appoint the attorney(s) for the Board or otherwise provide necessary legal services and advice to the Board.

The attorney(s) shall provide necessary legal service, advice and counsel to the school system and the Board. They shall protect and defend the interest and legal rights of the school system and the Board. They shall perform such other services as may be required by the Board.

- E. The School Board shall conduct any necessary elections and/or make all necessary appointments to all Commissions and Boards at the first regular meeting in January of each year. All such elections and appointments shall be by roll call vote.

Section 5. COMMITTEES

- A. The Board shall have the following Standing Committees.
 - 1. Committee on Finance, Budget and Title I (non community related funds) and Legislative Affairs
 - 2. Committee on Facilities, Equipment, Real Property and Information Technology (Related to Infrastructure)
 - 3. Committee on Academic Achievement, Curriculum Development and Information Technology (Related to Curriculum)
 - 4. Committee on Human Resources and Policy
 - 5. Audit Committee to meet quarterly unless request by Committee Chair
 - 6. Health, Safety, Student Code of Conduct, Expulsion and Parental Involvement

Contracts will be reviewed by those committees impacted by the contract.

The Board Standing Committees may have no more than five members, and no less than three members. Each Member of the Board must serve on at least two Standing Committees. The Members of Board Committees shall be appointed by the President with concurrence of each individual appointed.

The Chairperson and Vice Chairperson, if deemed necessary, of each Committee shall be appointed by the President with no Board Member chairing more than two Standing Committees. The Standing Committee Chairpersons shall be rotated among the Members of the Board.

A quorum of a Board Committee shall consist of a majority of the Board Members appointed to serve on that committee. The following will be in effect:

- During committee meeting where there is not a quorum of Committee Members, other Board Members present may be added, but no more than that needed to constitute a quorum.
 - In the absence of the Chairperson and Vice Chairperson, the Committee Members present shall elect a temporary Chairperson.
 - In the absence of a quorum, those Board Members present shall obtain a consensus on the agenda items. This consensus shall be reported at the next regularly scheduled Board meeting.
- B. The Board may establish such other committees as it deems appropriate with the same provisions as those for Standing Committees in Part A.
- C. The Board may establish advisory committees, as it deems appropriate, from time to time.
- D. The President of the Board may establish other such committees as deemed appropriate with the same provisions as those from Standing Committees in Part A.
- E. The Duties of the Standing Committees shall be listed in the Bylaws. (See Attachment #1)

Article III DUTIES OF OFFICERS

The duties of officers shall be those powers necessary to operate a first-class school district, granted by the Board as prescribed by law.

- A. The President of the Board shall preside at all regular meetings of the Board and appoint the Chairpersons of Standing Committees. The President shall also appoint such Special Committees as the Board may

direct. The President shall appoint all Members of the Board Standing Committees subject to the concurrence of each individual Member so appointed. The President shall consult with the General Superintendent in preparation of the Board's agenda and shall assume the usual duties vested in this office. The President shall serve ex-officio as a Member of the Board of Commissioners of the Detroit Public Library. The President shall also serve as an ex-officio Member of each Standing Committee.

- B. The Vice President shall have the powers and perform the duties of the President in the President's absence. The Vice President shall serve as ex-officio member of each Standing Committee.
- C. The Secretary's duties shall include:
 - 1. recording, printing, and publishing the minutes of all official meetings,
 - 2. keeping available a calendar of all matters referred to staff or to special committees,
 - 3. call meetings in compliance with the Open Meetings Act,
 - 4. ensuring that records of the Board are made available for public inspection as prescribed by law, and
 - 5. giving due notice of regular meetings to Members of the Board and the General Superintendent at least forty-eight hours before such meeting. Such notice shall be accompanied by written agenda of all matters to be brought before the meeting.

The Secretary shall be the official repository of all records and have all such duties connected with this office as prescribed by law, and other such duties as assigned by the Board.

- D. The Treasurer shall have custody of all money belonging to the school district and shall pay out money as provided by state law. Additional duties of the Treasurer shall be determined by the General Superintendent, as approved by the Board. The Treasurer should be an employee of the District in good standing. If for any reason the Treasurer is unable to perform their duties, the Board will appoint a successor.

Article IV MEETINGS

The business that the Board may perform shall be conducted in compliance with the Michigan Open Meetings Act, 1976 PA 276, MCL 15.261 et seq. Unless the Open Meetings Act provides otherwise, meetings of the Board shall be open to the public and shall be held in a place available to the public. The Board, in accordance with the Open Meetings Act, may go into closed sessions.

Section 1. DATE AND TIME OF REGULAR MEETINGS

- A. Regular meetings of the Board shall be held on the second Thursday of each month at 6:00 p.m. The annual meeting shall be an exception. Not

less than seven of the regular meetings shall be held in different voting districts of the District each year. Such meetings shall be held in a facility owned or operated by the Board. The date, time, and place of a regular meeting may be changed by a majority vote of the Board. All meetings of the Board of Education shall be open to the public in accordance with statutory requirements except as otherwise specified by law.

- B. Official action may be taken only at regular or special meetings.

Section 2. SPECIAL MEETINGS

Special meetings may be called for a stated purpose by the President, or by not less than three Members. Only business stated in the call shall be transacted at such special meetings. Notice shall be given at least twenty-four hours before the hour of meeting identifying the three Board members calling the meeting.

Such meetings shall take place at the location where regular Board meetings are customarily held except as changed by a majority vote of the Board.

Section 3. COMMITTEE OF THE WHOLE MEETINGS

The Board may meet as a Committee of the Whole to deliberate and to prepare recommendations for the Board, from time to time as it may deem advisable. Each Member of the Board shall serve at least a one-month term as Chairman of the Committee each fiscal year.

Section 4. CLOSED SESSIONS

The Board may meet in closed sessions, from time to time, where prescribed by law.

Section 5. COMMITTEE MEETINGS

Other committee meetings may be held as called by the Chairperson. All Members shall be duly notified of such meetings. At least one committee meeting shall take place in each voting district, when possible.

Section 6. RULES GOVERNING REGULAR AND SPECIAL OFFICIAL MEETINGS

- A. Six Members of the Board shall constitute a quorum. Unless otherwise provided by law, no act shall be valid unless at least six Members of the Board concur in such act.

- B. A roll call vote shall be taken and recorded on all questions involving appointment of Board Members, Library Commissioners, bond issues, and whenever requested by any Member.
- C. The Board shall be governed by State and Federal law and by the rules and regulations in these bylaws. Meetings shall be conducted according to Robert's Rules of Order, Revised (current edition), except as provided by procedures listed in these bylaws.

Section 7. REGULAR ORDER OF BUSINESS

- A. The regular order of business shall be as follows:

Changed Regular Order of
Business

- 1. Call to Order
 - 2. Presentation of Colors
 - 3. Moment of Silence
 - 4. Welcome
 - 5. Roll Call
 - 6. Approval of Agenda
 - 7. Approval of Minutes
 - 8. Reports *from* the
President Public Participation
 - 9. Reports from the General Superintendent
 - 10. Action Items (Consent)
 - 11. Reports from the Board Committees
 - 12. Closed Session
 - 13. Public Comment
- B. The President and General Superintendent shall consult with each other in preparation of the agenda. Any Member shall have the right to place items on the agenda through the Board President or Committee Chair or may place an item on the agenda through a motion at the Board table by approval of simple majority of the eleven-member Board.
 - C. Such order of business may be changed from time to time at the request of a majority of the Members or the President. However, consideration of items not already on the agenda will require approval of simple majority of the eleven-member Board.

Section 8. CONSENT ITEMS

In order for a more efficient administration of school meetings, the Board may elect to use a consent agenda for the passage of certain items. All proposed items for the consent agenda must be sent to Board Members at

least one week prior to the meeting in which proposed consent items are considered.

Proposed items for consideration shall be placed on the consent agenda by a majority vote of the Board. Dissenting Board Members objecting to items placed on the agenda shall be duly noted on the record.

Section 9. HEARINGS

Persons who desire a hearing before the Board shall present their request in writing to the President. The President of the Board may then schedule such hearing at the earliest possible mutually convenient date as provided by statute. A written statement of the matter to be discussed shall be sent to the Board Members before the meeting. Hearings shall be open or closed to the public as prescribed by law.

**Article V
AMENDMENTS TO BYLAWS**

The bylaws may be amended at any regular meeting by a vote of not less than two-thirds of the Members of the Board, said amendment having been duly proposed at a previous meeting.

**Article VI
BYLAWS AND RULES MAY BE SUSPENDED**

The bylaws of the Board may be suspended at any regular meeting of the Board by a vote of two thirds of the eleven-member Board.

**Article VII
FUNDS**

Section 1. SEPARATE ACCOUNTS FOR SEPARATE FUNDS

The funds of the District shall be kept under such separate accounts as authorized and approved by the Board and as required by State and Federal law.

Section 2. IMPREST CASH ACCOUNT

There shall be Imprest Cash Account of Fifty Thousand Dollars (\$50,000) in the custody of the General Superintendent or a designated agent. This account may be used for incidental or petty expenses and for purchases of urgently needed supplies. Receipts shall be secured. This account shall be audited monthly and reimbursed from regular accounts by Board action.

Article VIII
THE GENERAL SUPERINTENDENT OF SCHOOLS

The Board shall appoint the General Superintendent who shall report to the Board and act in accordance with the Board policies and procedures, State and Federal law. The Board may remove the General Superintendent, prior to the expiration of his/her term without cause, only by a 2/3 vote of its Members.

When dealing with employees, the Board and its Members shall act through its General Superintendent.

The General Superintendent shall have all of the powers necessary to operate a first-class school district that are granted by the Board, as prescribed by law.

The General Superintendent shall plan, develop, operate effectively, and evaluate such programs, activities and facilities as well as provide a complete and efficient system of instruction within the District. The General Superintendent shall cooperate with the Board, and others as may be necessary, in providing the best possible educational opportunities for all students in the public schools. The General Superintendent shall implement the policies of the Board.

Section 1. RELATIONSHIP TO THE BOARD The General Superintendent shall:

- A. Attend all meetings of the Board and its Committees, except when excused by the Board President or Committee Chairperson. If excused the General Superintendent shall send the appropriate designee.
- B. Participate in all discussions and activities of the Board except voting.
- C. Formulate educational goals, administrative policies, procedures, and programs, and bring such proposals before the Board for its consideration and action.
- D. Plan cooperatively with the Board in formulating general policies, procedures, and programs, and shall prepare such proposals for Board study and action.
- E. Present for Board consideration:
 - 1. Research and evaluation of Board policies, staff activities, and school programs.
 - 2. The problems and needs of the First Class District, including short-range and long-range plans for overcoming such problems and needs.
 - 3. Information and recommendations bearing upon Board business.
 - 4. Reports on the condition of the budget.
 - 5. All special matters affecting the rights or liabilities of the First Class District or the welfare of the schools.

6. Reports on educational progress, personnel management, safety and security of buildings, pupils, and employees.
 7. Such matters as may involve relationships with other branches of government and the public.
 8. All other matters affecting the control and direction of the affairs of the school system.
- F. Prepare annually for publication a report or reports setting forth the accomplishments and needs of the school system.
 - G. Recommend courses of study, technology and the textbooks to be approved for use in the public school system.
 - H. Manage and direct all personnel functions according to Board guidelines and contractual agreements. The General Superintendent may delegate such authority.
 - I. Cooperate with the President of the Board in preparation of the agendas.
 - J. Work cooperatively with the Board in developing budget plans for the ensuing fiscal year.
 - K. Maintain adequate records of all school operations and report periodically as deemed necessary by the Board.
 - L. Report promptly all matters involving the school and the community.
 - M. Take the school census as provided by law.
 - N. Be the custodian of all property, real or personal, owned or borrowed by the Board. The General Superintendent shall not receive, lend, sell, exchange, nor transmit any property, real or personal, except under the stated policy of the Board or by formal approval of the Board.
 - O. Have the power to delegate authority to the other employees of the school system as may be appropriate, but the General Superintendent shall remain responsible to the Board for any actions taken under such delegation of authority.
 - P. In the event of an emergency, and for all matters not clearly fixed in Board policy, have the authority to make decisions for the resolution of immediate problems. The General Superintendent's decisions in these matters are subject to appeal and shall be reviewed by the Board at any meeting following the decision.
 - Q. In case of necessity authorize a liability not to exceed Fifty Thousand Dollars (\$50,000). This action must be ratified by the Board at its next regular meeting. The General Superintendent shall be responsible for the Imprest Cash Account.

- R. Perform all duties as may be assigned by the Board or by law.
- S. Respond timely and maintain good communications with all Board Members.

Section 2. RELATIONSHIP OF THE GENERAL SUPERINTENDENT TO SCHOOL PERSONNEL

- A. The General Superintendent shall make all personnel recommendations. Such recommendations shall be reported to the Board at regular meetings and shall become effective when approved by the majority of the elected Members of the Board.
- B. Employees or groups of employees not covered by collective bargaining agreements may request a hearing before the Board or its Personnel Committee when grievances arise. The General Superintendent shall arrange such hearings.
- C. The General Superintendent shall develop and supervise a program of in-service education and public relations for the employees of the school system. Accordingly, the General Superintendent may nominate consultants or lecturers; develop and administer professional programs and libraries; and recommend temporary leaves for conference or study.
- D. The General Superintendent shall continuously study and appraise the effectiveness of the school system and make recommendation for its improvement.

Section 3. RELATIONSHIP TO THE PUBLIC

The General Superintendent shall stress the importance of school-community partnership as related to quality education. The General Superintendent shall develop and institute plans which foster school-community cooperation and participation.

**Article IX
TUITION**

The Board shall determine a student's eligibility to attend Detroit Public Schools and establish the tuition, if any, in accordance with State and Federal law.

ATTACHMENT #1

STANDING COMMITTEES DUTIES

Committee on Finance, Budget and Title I (Non-community related funds) and Legislative Affairs

The Committee shall have oversight and review and report to the full Board regarding the following:

All financial matters related to the District's budget, debt, bonds, and fiscal integrity; the receipt and disbursement of all Title I (non-community related) funds; any and all proposed or enacted legislation initiated by the District, local, state or federal governing bodies that impact upon the affairs of the District; and any contractual agreements that impact the budget or District finances.

Committee on Facilities, Equipment, Real Property and Information Technology (Related to Infrastructure)

The Committee shall have oversight and review and report to the full Board regarding the following:

All matters related to the District's facilities, real property and information technology as it relates to providing a clean and safe environment; the management and maintenance of the District's capital assets; the management of capital improvement programs and projects; the long and short term capital asset planning; and the compliance with health and safety code, licensing, permits, laws, rules and regulations; and the community use of the District's facilities.

Committee on Academic Achievement, Curriculum Development and Information Technology (related to Curriculum)

The Committee shall have oversight and review and report to the full Board regarding the following:

All matters related to student academic achievement and curriculum development; information technology developed for or designed by the District to assist in curriculum development and student achievement; any programs or initiatives designed to impact parent and community involvement; any funds utilized under Title I (parent involvement); any actions or activities regarding student safety, student expulsion, and reinstatement.

Committee on Human Resources and Policy

The Committee shall have oversight and review and report to the full Board regarding the following:

All matters related to the hiring, appointing, disciplining, terminating or promoting employees of the District; any matters related to the collective bargaining process, employment contracts, and tenure; any matters related to employment benefits and services, employee litigation and settlements; the development and implementation of any policies impacting the Board, Administration, employees, students and District as a whole.

Audit Committee

The Committee shall have oversight and review and report to the full Board regarding the following:

Any and all matters related to the District's financial statements; compliance with legal and regulatory requirements; policies related to risk management and risk assessment; the performance of the Independent Auditor's and the District's internal audit function; any District financial plans, budgets, forecasts and interim financial reporting and other related matters; any complaints or concerns regarding the District's financial statements or accounting policies; any issues regarding internal quality control procedures, investigations by any governmental or professional authorities; and the investigation of any irregularities regarding the District's finances.